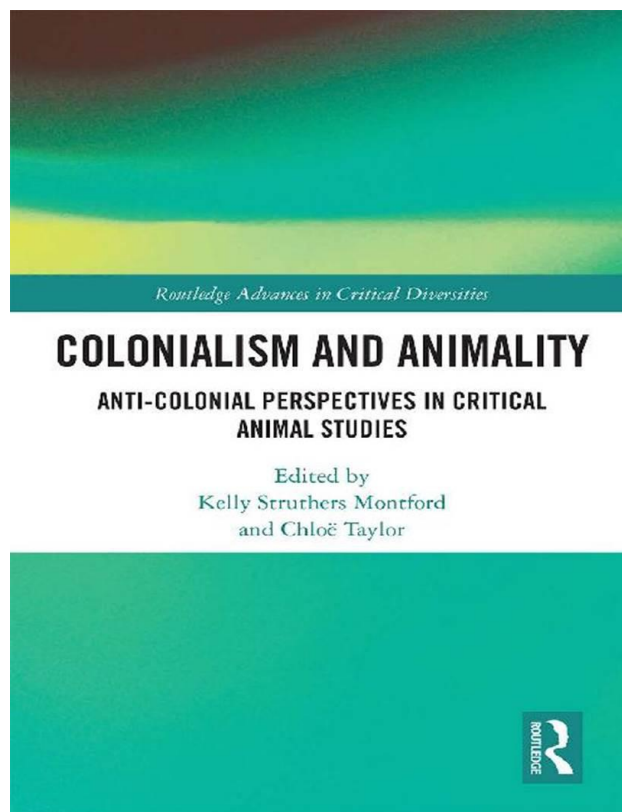


# Colonialism and Animality

Anti-Colonial Perspectives in Critical Animal Studies

Kelly Struthers Montford and Chloë Taylor



2020

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# Front Matter

## Colonialism and Animality

The fields of settler colonial, decolonial, and postcolonial studies, as well as Critical Animal Studies are growing rapidly, but how do the implications of these endeavours intersect? *Colonialism and Animality: Anti-Colonial Perspectives in Critical Animal Studies* explores some of the ways that the oppression of Indigenous persons and more-than-human animals are interconnected.

Composed of 12 chapters by an international team of specialists plus a Foreword by Dinesh Wadiwel, the book is divided into four themes:

- Tensions and Alliances between Animal and Decolonial Activisms
- Revisiting the Stereotypes of Indigenous Peoples' Relationships with Animals
- Cultural Perspectives
- Colonialism, Animals, and the Law

This book will be of interest to undergraduate and postgraduate students, activists, as well as postdoctoral scholars, working in the areas of Critical Animal Studies, Native Studies, postcolonial and critical race studies, with particular chapters being of interest to scholars and students in other fields, such as Cultural Studies, Animal Law, Critical Prison Studies, and Critical Criminology.

Kelly Struthers Montford is Assistant Professor at the Department of History and Sociology at the University of British Columbia Okanagan.

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## Dedication

Dedicated to the memory of the animal residents of Farm Animal Rescue and Rehoming Movement (FARRM) who died in the Spring of 2019. The human and animal residents at FARRM were integral to the conference from which this volume emerges, generously opening their homes and allowing us the joy of their company.

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## Contributors

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Indigenous women in Canada's efforts towards decriminalization of sex work, and the discourse of empowerment embedded within it.

# Foreword: Thinking “critically” about animals after colonialism

Dinesh Joseph Wadiwel

In the colonial context the settler only ends his work of breaking in the native when the latter admits loudly and intelligibly the supremacy of the white man’s values. In the period of decolonization, the colonized masses mock at these very values, insult them, and vomit them up.<sup>1</sup>

Frantz Fanon, *The Wretched of the Earth*.

As this volume attests, the colonial project—encompassing diverse rationalities of elimination, exploitation, and assimilation<sup>2</sup>—cannot be easily disentangled from our prevailing relationships with animals. In part, this reflects the material reality that colonialism was also accompanied by the radical remaking of non-human animals and “nature.” For example, the relation between European expansion, invasion, settlement, and domination, and the development of large-scale industrial animal agriculture represents what David Nibert describes as an “entangled violence.”<sup>3</sup> Thus, Billy-Ray Belcourt notes (see this volume) that the context for understanding “speciesism” today includes:

the historic and ongoing elimination of Indigenous peoples and the theft of Indigenous lands for settler-colonial expansion, including animal agriculture. For that reason, we cannot address animal oppression and liberation without beginning from an understanding that settler colonialism and white supremacy are the bedrock of much of the structural violence that unfolds on occupied Indigenous territory.

Colonialism also participated in the conversion of almost all non-human life into objects for capitalist accumulation, transforming pre-existing human animal relations,

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<sup>1</sup> Frantz Fanon, *The Wretched of the Earth* (London: Penguin, 2003), 33–34.

<sup>2</sup> I am drawing from Patrick Wolfe here, who articulates these elements of the colonial project. See Patrick Wolfe, *Traces of History: Elementary Structures of Race* (London: Verso, 2016). See also Iyko Day, “Being or Nothingness: Indigeneity, Antiracism, and Settler Colonial Critique,” *Critical Ethnic Studies* 1, no. 2 (Fall 2015): 102–121.

<sup>3</sup> See David A. Nibert, *Animal Oppression and Human Violence: Domestication, Capitalism and Global Conflict* (New York: Columbia University Press, 2013), 91.

and altering food production and consumption. Early forms of globalized capitalism, founded on developing supply lines of raw materials and labour between Europe and the colonies, established the beginnings of a global transformation in food production; as Eric Holt-Giménez notes this “colonial food regime was the first hegemonic regime...and had consolidated a powerful set of institutions and rules that influenced food production, processing and distribution on a world scale.”<sup>4</sup> Relevant to thinking about animals, this transformation of the world has intimately shaped the diets of populations globally, so that the “promotion of meat production and consumption accompanied Western political, economic, and cultural influences.”<sup>5</sup> Finally, the colonial project came armed with a strong set of epistemic effects which produced overt resonances between processes of racialization and the construction of the non-human animal: in this respect, it is not accidental that Achille Mbembe observes that “discourse on Africa is almost always deployed in the framework (or in the fringes) of a meta-text about the animal.”<sup>6</sup> The distinctive form of racialization that accompanied colonialism was one that placed humans and animals within the imaginary of the “chain of being”;<sup>7</sup> Syl Ko offers the succinct summary that “what condemns us to our inferior status, even before we speak or act, is not merely our racial category but that our racial category is marked the most by animality.”<sup>8</sup> Thus, it would appear that, and despite very different histories, the challenge of thinking “critically” about animals has to grapple with the very real material transformations, violences, and erasures of colonialism, all of which paved the way for what we “know” about animals today.

All of this beckons us to think about animals in truly “critical” ways, which requires a simultaneous project of disarming colonial logics. But this is not straightforward by any means. First, how did “Critical Animal Studies” arise as a tendency, and to what extent was it complicit in the colonial project? Various histories have understood CAS

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<sup>4</sup> Eric Holt-Giménez, *A Foodie’s Guide to Capitalism: Understanding the Political Economy of What We Eat* (New York: Monthly Review Press, 2017), 33. See also Jason W. Moore, *Capitalism in the Web of Life: Ecology and the Accumulation of Capital* (London: Verso, 2015), 241–290; and Raj Patel and Jason W. Moore, *A History of the World in Seven Cheap Things: A Guide to Capitalism, Nature, and the Future of the Planet* (Berkeley: University of California Press, 2017).

<sup>5</sup> Wilson J. Warren, *Meat Makes People Powerful: A Global History of the Modern Era* (Iowa City: University of Iowa Press, 2018), 2.

<sup>6</sup> Achille Mbembe, *On the Postcolony* (Berkeley: University of California Press, 2001), 1. Fanon also observes this relation: “At times this Manichaeism goes to its logical conclusion and dehumanizes the native, or to speak plainly turns him into an animal.” Fanon, *The Wretched of the Earth*, 32.

<sup>7</sup> See Claire Jean Kim, *Dangerous Crossing: Race, Species and Nature in a Multicultural Age* (New York: Cambridge University Press, 2015), 24–60. See also Claire Jean Kim, “Murder and Mattering in Harambe’s House,” *Politics and Animals* 3 (2017): 1–15.

<sup>8</sup> Syl Ko, “We’ve Reclaimed Blackness Now It’s Time to Reclaim ‘The Animal’.” *Aphro-IsM: Essays on Pop Culture, Feminism, and Black Veganism from Two Sisters*, edited by Aph Ko and Syl ko (New York: Lantern Books, 2017), 63–69, 67. Note that Wolfe remarks that “as a taxonomy par excellence ... race provided categorical boundaries within genus homo that ensured the exclusiveness of the bearers of the rights of man.” See Wolfe, *Traces of History*.

as an intervention into animal studies or human/animal studies,<sup>9</sup> or suggested that CAS was developed “some forty years ago as a specialization within analytic philosophy.”<sup>10</sup> This reading of CAS appears to locate its origins within pro-animal liberation movements in industrial societies, predominantly located in the Global North. But such a perspective relies on imagining that “critical” perspectives or studies of animals have their location within venerated institutions, discourses, and debates—e.g. animal ethics after Peter Singer’s *Animal Liberation*, the emergence of a critique against mainstream human/animal studies in contemporary universities, the rise of vegan movements in the Global North, etc.—and forgets that diverse cultures and traditions have thought about animals in “critical” ways for a very long time; and that these ethics, practices, and ontologies continue to offer a profound critique of colonial ways of seeing, knowing, and relating to animals. The point here isn’t to pretend that CAS as an institutional formation did not have the historical location, or string of intellectual forebears that its proponents claim for it; rather, the aim is to push us to ask the more fundamental, and interesting, question: what does it mean to think critically about animals?

Secondly, in identifying these boundaries, we might then ask: which anti-colonial perspectives should be included within the boundaries of CAS? Which discourses are nominated to challenge colonial master narratives? And who initiates these projects of decolonization? For example, the conviction that veganism functions as a “moral baseline”<sup>11</sup> for CAS, while serving a function in aligning personal practices with scholarly commitments, also governs the borders of who we might imagine as being a committed CAS scholar. Certainly, it would appear odd that ethical vegetarians who belong to non-Judeo-Christian faith traditions such as Jainism, Hinduism, and Buddhism, which are informed by hundreds if not thousands of years of careful ethical thought and practice relating to animals, should be regarded as have nothing to offer CAS because they do not obey an imperative towards veganism. What are the rules of inclusion in CAS, and who gets to decide?

Thirdly, we might ask epistemically, to what extent does CAS participate in seeing and knowing animals in ways that reflect settler rationalities? Is it even possible to think about animals “critically” outside of the tools we have inherited from colonialism? After all, we are reminded again and again that the colonial project did not just seek to materially remake the world through social, economic, and political violence, but simultaneously wrought an epistemic violence that shaped how we saw the world;

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<sup>9</sup> See Anthony J. Nocella II, John Sorenson, Kim Socha, and Atsuko Matsuoka. “Introduction: The Emergence of Critical Animal Studies: The Rise of Intersectional Animal Liberation.” *Defining Critical Animal Studies: An Intersectional Social Justice Approach for Liberation*. Counterpoints Vol. 448 (New York: Peter Lang, 2014), xix–xxxvi. See also Steve Best, Anthony J. Nocella II, Richard Kahn, Carol Gigliotti, and Lisa Kemmerer, “Introducing Critical Animal Studies,” *Journal of Critical Animal Studies* 5, no. 1 (2007): 4–5.

<sup>10</sup> See Dwayne McCance, *Critical Animal Studies: An Introduction* (Albany: State University of New York Press, 2013), 4.

<sup>11</sup> Nocella, Sorenson, Socha, and Matsuoka. “Introduction: The Emergence of Critical Animal Studies.” xx.



and impressed upon us values that shaped how we saw ourselves. As Edward Said pointed out, the colonial enterprise required the establishment of the object of imperialist knowledge as a site of both domination and truth: “to have such knowledge of such a thing is to dominate it, to have authority over it.”<sup>12</sup> This makes it difficult to even think about decolonization without simultaneously evoking the language of the colonists—since their perspective continues, almost everywhere, to dominate with apparent universality as the only world that appears rational and comprehensible. As discussed above, animals too were framed as part of this remaking of the world. We thus face an extraordinary challenge to think “critically” about animals, while simultaneously holding in check and resisting colonial logics. For example, as Claire Jean Kim describes in an analysis of contention over Makah whale hunting (see this volume), some animal advocates openly reproduce settler logics which trivializing “concerns about tribal or racial justice.” Resistance to colonial violence here depends upon being able to produce an alternative set of realities without simply, by default, reinscribing the master’s discourse.

Finally, in reproducing alternative knowledges about animals, how do we avoid simply cataloguing diverse and irreconcilable perspectives which do not in themselves lead to change? How do we engage in decolonization work that actually leads to the transformation of societies, and heads towards a break in the cycle of colonial violence and the elimination of violence towards animals? As Fayaz Chagani notes: “The normative horizon for postcolonial thinking—its reason for critiquing humanism in the first place—has been a world in which non-coercive relationships between cultures and societies are possible.”<sup>13</sup> What does this project look like? And who gets to decide?

The above challenges might be read as invitation to inaction. However, inaction is not a possibility. This is because of the political urgency of the colonial violence we are responding to; this violence is not insignificant, at least to those who experience it. We need to respond; the question is how. In other words, the problem before us is strategic in nature. If we must act, how do we act? What approach do we take? What are the effects we are seeking to induce?

Reflecting on the project of teaching towards transformation, Gayatri Chakravorty Spivak offers I think a useful way to explore our strategy with respect to the recognition and production of anti-colonial perspectives. In this context, Spivak is particularly concerned about a tendency of teaching spaces to resist change by peddling a kind of “pluralism” which responds to the colonial narrative by simply offering alternative discourses, without necessarily engaging in change: Spivak remarks that “Most of us are not interested in changing our social relations, and pluralism is the best we can do.”<sup>14</sup> Against this tendency, Spivak suggests a strategy of building a collective process

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<sup>12</sup> Edward Said, *Orientalism*, (London: Penguin, 2003), 32.

<sup>13</sup> Fayaz Chagani, “Can the Postcolonial Animal Speak?” *Society & Animals* 24, no. 6 (2016): 619–637, 634.

<sup>14</sup> Gayatri Chakravorty Spivak, *Outside in the Teaching Machine* (New York and London: Routledge, 2009), 21.

of change, starting with an acknowledgment of the limits of one's own capacities and understanding:

Once we have established the story of the straight, white, Judeo-Christian, heterosexual man of property as the ethical universal, we must not replicate the same trajectory. We have limits; we cannot even learn many languages. This idea of a global fun-fair is a lousy teaching idea. One of the first things to do is to think through the limits of one's power. One must ruthlessly undermine the story of the ethical universal, the hero. But the alternative is not constantly to evoke multiplicity; the alternative is to know and to teach the student the awareness that this is a limited sample because of one's own inclinations and capacities to learn enough to take a larger sample. And this kind of work should be a collective enterprise. Other people will do some other work. This is how I think one should proceed, rather than make each student into a ground of multiplicity. That leads to pluralism. I ask the U.S. student: "What do you think is the inscription that allows you to think the world without any preparation? What sort of coding has produced this subject?" I think it's hard for students to know this, but we have a responsibility to make this lesson palliative rather than destructive.<sup>15</sup>

I believe Spivak offers us here some useful cautions for the work of decolonization. We must "ruthlessly" take away the universalizing foundation that apparently structures what we see and take for granted. But we simultaneously must know the limits of our own knowledge and invite others to be part of the collective enterprise of making sense of a world outside of "the straight, white, Judeo-Christian, heterosexual man of property as the ethical universal." Importantly, Spivak always reminds us of the importance of knowledge as strategy:<sup>16</sup> the classroom aims to use knowledge strategically to disrupt the students' own self-certainty. Knowledge here does not proclaim to be universal; instead, it only reminds the student that the master's discourse cannot make a claim to universality in the way that was previously taken for granted.

The present volume arose out of a very successful conference held in June of 2016, "Decolonizing Critical Animal Studies, Crippling Critical Animal Studies." The conference in itself was an overdue offering within the circuit of animal studies conferences that had been occurring over the last decade, many of which had scarcely or not adequately addressed issues relating to race and legacies of colonialism. The 2016 conference provided some highly powerful provocations to the field, some of which I suspect challenged the self-certainty of many involved, including myself. As such this volume is timely. However, this volume was never intended as a complete or final statement on anti-colonial perspectives in CAS, nor should it be regarded as such. Instead, in line with Spivak's commentary above, this volume might be understood as offering a

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<sup>15</sup> Ibid., 21–22.

<sup>16</sup> Ibid., 3–4.

strategic intervention that might provoke us to think critically about Critical Animal Studies; perhaps, as such, to actually think “critically” about animals. First, the volume provides us some insight into the functioning of the “straight, white, Judeo-Christian, heterosexual man of property as the ethical universal” within the field of animal studies, whether this is in the form of resistive ontologies, such as those discussed by Vanessa Watts, or legal analysis that challenges the presumed authority of the Global North in driving improvements in animal welfare and rights (see Maneesha Deckha). Secondly, the volume shows us the way that colonial violence towards humans interconnects with violence towards animals through colonial logics, shaping policies of annihilation (see Fiona Probyn Rapsey) and incarceration (see Kelly Struthers Montford). Finally, and importantly, this volume provides an opening to a continuing conversation on strategies of decolonization and their relationship to social movements that organize around animals. In part, these openings are relevant for the material alliances that will be required to effect decolonialization: “this kind of work should be a collective enterprise.” This will require a careful assessment of how the political terrain of existing contestation is constructed, and care in thinking about strategy and alliances (see for example Darren Chang).

By necessity such a politics requires an evolving commitment to self-determination in guiding futures and actions. The opposite of coercion—that wrought by material or symbolic violence—is the freedom to collectively determine one’s own pathway and conditions of flourishing. It is on the latter point that Margret Robinson (this volume) offers a remarkable vision for a future of flourishing, tying Indigenous sovereignty with plant-based diets and ethics:

At stake in the creation of an Indigenous veganism is the authority of Aboriginal people, especially women, to determine cultural authenticity for ourselves. Dominant white discourse portrays our cultures as embedded in the pre-colonial past. This perspective must be replaced with the recognition that Aboriginal cultures are living traditions, responsive to changing social and environmental circumstances.

This sort of vision helps me make sense of Spivak’s desire for the decolonial lesson to be “palliative rather than destructive.” Robinson here announces the demise of settler project, while simultaneously declaring a different vision for flourishing, one which might connect together Indigenous self-determination and animal flourishing. The place of veganism here is important in so far as Robinson explicitly does not embrace imperatives to plant-based diets driven by white vegan cultures, but instead unsettles the master narrative by asking how veganism might reaffirm self-determination, and with this offer a vision for non-human flourishing. Here, decolonization is necessarily a collective enterprise—one driven and articulated by those who experience the violence of colonialism. With reference to Māori communities and the development of plant-based ethics and lifestyles, Kirsty Dunn has recently observed:

It is vital, though, in this context, that any kōrero regarding veganism, plantbased kai or ‘kaimangatanga’ and any challenges or conflicts that arise with regards to customary and contemporary practices involving nonhuman animals, must be conducted by and within Māori communities. Otherwise, the imposition of a vegan ethics without the knowledge, understanding, or respect Māori experiences, narratives, concepts, and knowledges, can only repeat the role of yet another colonial project.<sup>17</sup>

I don’t at all intend to privilege veganism as a practice or strategy in this discussion: the strategies deployed by communities resisting legacies of, and continuing realities of, colonialism must be determined by those communities themselves within the context of a real political terrain. However, I want to highlight the way that any number of pro-animal strategies, created by those who resist colonial power, might disorient the master narratives of settler logics and provide a mechanism “by which collective power and community may be built.”<sup>18</sup> In this sense, many who resist colonialism are also actively resisting industrial animal agriculture;<sup>19</sup> the lesson for animal studies, including by necessity those who want to build a “critical” voice, is to pay attention: to know the limits of our power; understand the specifics of our history and its relation with others; avoid believing we are the movement or can control who comprises the collective project; and remain alive to those outside of our experience can teach us about the non-universality of “the story of the straight, white, Judeo-Christian, heterosexual man of property.”

This collection overall has prompted me to think again about what it means to affect a “critical” perspective on animals. What does it mean to actually be critical in our viewpoint; that is to look at the world in ways that do not simply reproduce the logics of domination that we have been forced upon us? And what does this mean for “critical” animal studies? I hope this volume helps to move these considerations forward.

I would add that there are Indigenous veganisms too, and that kaimangatanga is but one iteration of these, with its own variations or branches. Some might even choose to refrain from using the ‘vegan’ label entirely: this is my reason for refraining from presenting ‘veganism’ and ‘kaimangatanga’ as simple equivalents. Whilst some may

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<sup>17</sup> Kirsty Dunn, “Kaimangatanga: Māori Perspectives on Veganism and Plant-based Kai,” *Animal Studies Journal* 8, no. 1 (2019): 42–65, 56. Note that Dunn carefully notes an uncertainty with the word “veganism,” observing that this does not necessarily have equivalence with the concept of “kaimangatanga” being traced in this article. Dunn states:

<sup>18</sup> Dunn, “Kaimangatanga,” 55. Dunn states:

<sup>19</sup> I have singled out industrial animal agriculture as one site of tension, but we might also look to the interconnection of demands for Indigenous sovereignty with other social movements concerned with anthropogenic climate change. See for example Makere Stewart-Harawira, “Indigenous Resilience and Pedagogies of Resistance: Responding to the Crisis of Our Age,” May 27, 2018, Available at SSRN: <https://ssrn.com/abstract=3185625> or doi:10.2139/ssrn.3185625. As Stewart-Harawira observes, the political demand for Indigenous sovereignty sits precisely at the fault line of contestation over the climate crisis:

see the word, ‘kaimangatanga’, for example, as a translation of the word ‘veganism’ or ‘vegetarianism’, others, including myself, assert that kaimangatanga stands on its own as a decolonial food ethic. Whilst there will indeed be similarities between veganism and kaimangatanga, it is my view that the latter term can accommodate a more nuanced approach towards kai-related practices and the creation and preservation of taonga, and one that can adapt and change where needed. That some of us may choose to name this way of being and relating to the world in our own language makes it, for me, a powerfully decolonial act: an act of tino rangatiratanga. This also helps us to kōrero with others in our own whānau, hapū, iwi, and in our own homes, communities, and wharekai, and to continue forging our own responses to the exploitation of animals and the environment, and the ramifications of intensive animal agriculture in Aotearoa and beyond.

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To adopt a form of veganism – a plant-based lifestyle and ethics – that acknowledges, is based upon, and celebrates Te Ao Māori, is a break from the dominant and from the status quo and but also an act of decolonialism. It is a way to reclaim sovereignty and exercise individual choice. And finally, it is a means by which collective power and community may be built; this is evident in the existence of online forums and comment threads on Māori-based vegan and plant-based social media accounts.

The resurgence of Indigenous movements is predicated not only on the recognition of Indigenous self-determination. At a more fundamental level, it calls for the restoration of the relationship between human beings and the lifeworld, for a profound recognition of our deep interconnectedness across all species and for the recognition of the sacred in all things. Resilience, on this account, is the stand by Indigenous peoples who put their bodies on the line to protect the rights of nature. Resilience is the re-enacting of deep sacred connection. Looking towards an uncertain and increasingly problematic future, it is perhaps our best hope for survival.

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# Colonialism and animality: An introduction

Kelly Struthers Montford and Chloë Taylor

In 2015 the Truth and Reconciliation Commission (TRC) of Canada delivered its final reports and 94 Calls to Action. The TRC was meant to document, pay witness to, and create an official record of Canada's use of residential schools which operated for more than 100 years and targeted multiple generations of Indigenous persons with the expressed purpose of cultural assimilation. With the goal of "civilizing" Indigenous children, residents were prohibited from speaking their native languages, were malnourished, used as experimental bodies, and experienced normalized emotional, physical, and sexual violence.<sup>1</sup> Many residents did not survive these schools. The TRC, amongst others, has referred to residential schooling as "cultural genocide":

Cultural genocide is the destruction of those structures and practices that allow the group to continue as a group. States that engage in cultural genocide set out to destroy the political and social institutions of the targeted group. Land is seized, and populations are forcibly transferred and their movement is restricted. Languages are banned. Spiritual leaders are persecuted, spiritual practices are forbidden, and objects of spiritual value are confiscated and destroyed. And, most significantly to the issue at hand, families are disrupted to prevent the transmission of cultural values and identity from one generation to the next.<sup>2</sup>

Residential schools are but one manifestation of settler colonialism's genocidal drive that has targeted both humans and non-human others.

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<sup>1</sup> TRC "Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada" (Truth and Reconciliation Commission of Canada, 2015), [http://epe.lac-bac.gc.ca/100/201/301/weekly\\_acquisition\\_lists/2015/w15-24-F-E.html/collections/collection\\_2015/trc/IR4-7-2015-eng.pdf](http://epe.lac-bac.gc.ca/100/201/301/weekly_acquisition_lists/2015/w15-24-F-E.html/collections/collection_2015/trc/IR4-7-2015-eng.pdf); Andrew Woolford, *This Benevolent Experiment: Indigenous Boarding Schools, Genocide, and Redress in Canada and the United States* (Winnipeg: University of Manitoba Press, 2015); Ian Mosby, "Administering Colonial Science: Nutrition Research and Human Biomedical Experimentation in Aboriginal Communities and Residential Schools, 1942–1952," *Histoire Sociale/Social History* 46, no. 1 (2013): 145–172.

<sup>2</sup> TRC "Honouring the Truth, Reconciling for the Future," 1; Woolford, *This Benevolent Experiment*.

Other mechanisms include the Indian Act, the 60s scoop, the disproportionate and racialized apprehension of Indigenous children by child welfare agencies, lack of clean drinking water and sanitary housing conditions on reserves, the mass imprisonment of Indigenous persons, the fur trade upon which imperial wealth was amassed and consolidated, and animal agriculture that contributed to the institution of settler lifeways and the privatization of land—all of which support the Canadian state’s singularity of rule and control of territory through the suppression of Indigenous persons and self-governance.<sup>3</sup> The report of the National Inquiry in Missing and Murdered Indigenous Women, released in 2019,<sup>4</sup> also included a supplementary report devoted to a legal analysis of the concept of “genocide” wherein the Inquiry concluded that the evidence and testimony collected through its process “provide[s] serious reasons to believe that Canada’s past and current policies, omissions, and actions towards First Nations Peoples, Inuit and Métis amount to genocide, in breach of Canada’s international obligations, triggering its responsibility under international law.”<sup>5</sup>

Paradoxically, Canada, a state charged with genocide, is also officially in a time of reconciliation, where the federal government has committed to implementing the TRC’s Calls to Action, to providing funding to support the rebuilding of First Nations, and implementing the United Nations Declaration on the Rights of Indigenous Peoples.<sup>6</sup> Until 2016 Canada was one of four original objectors to the declaration, along with Australia, the United States, and New Zealand—each of which have reversed their position. The TRC imagines reconciliation as the abandonment of “the paternalistic and racist foundations” that have structured settler colonialism in order to go forward with nation-to-nation relationship premised on “mutual respect.” Ultimately, the TRC

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<sup>3</sup> Bonita Lawrence, “Gender, Race, and the Regulation of Native Identity in Canada and the United States: An Overview,” *Hypatia* 18, no. 2 (2003): 3–31; Robert Nichols, “The Colonialism of Incarceration,” *Radical Philosophy Review* 17, no. 2 (2014): 435–455; Nicole Shukin, *Animal Capital: Rendering Life in Biopolitical Times* (Minneapolis: University of Minnesota Press, 2009); Kelly Struthers Montford and Dawn Moore, “The Prison as Reserve: Governmentality, Phenomenology, and Indigenizing the Prison (Studies),” *New Criminal Law Review: An International and Interdisciplinary Journal* 21, no. 4 (November 1, 2018): 640–663, doi:10.1525/nclr.2018.21.4.640; Royal Commission on Aboriginal Peoples, Volume I: Looking Forward, Looking Back (Ottawa: Government of Canada, 1996); TRC “What We Have Learned: Principles of Truth and Reconciliation,” 2015, <https://central.bac-lac.gc.ca/.item?id=IR4-6-2015-eng&op=pdf&app=Library>; TRC, “Honouring the Truth, Reconciling for the Future”; Woolford, *This Benevolent Experiment*; Kelly Struthers Montford, “Land, Agriculture, and the Carceral: The Territorializing Function of Penitentiary Farms,” *Radical Philosophy Review*, no. online first (2019), doi:10.5840/radphilrev20192494.

<sup>4</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place: Executive Summary of the Final Report,” 2019, [http://epe.lac-bac.gc.ca/100/201/301/weekly\\_acquisitions\\_list-ef/2019/19-23/publications.gc.ca/collections/collection\\_2019/bcp-pco/CP32-163-2-3-2019-eng.pdf](http://epe.lac-bac.gc.ca/100/201/301/weekly_acquisitions_list-ef/2019/19-23/publications.gc.ca/collections/collection_2019/bcp-pco/CP32-163-2-3-2019-eng.pdf).

<sup>5</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, “A Legal Analysis of Genocide,” 2019, [www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Supplementary-Report\\_Genocide.pdf](http://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Supplementary-Report_Genocide.pdf).

<sup>6</sup> Canada, “Reconciliation,” April 9, 2019, [www.rcaanc-cirnac.gc.ca/eng/1400782178444/1529183710887](http://www.rcaanc-cirnac.gc.ca/eng/1400782178444/1529183710887).



positions responsibility squarely upon the Canadian state and its citizens that will require a wholesale shift in relations: “Reconciliation is not an Aboriginal problem; it is a Canadian one. Virtually all aspects of Canadian society may need to be reconsidered.”<sup>7</sup> Although the current volume is not restricted to the Canadian context or even to settler colonialism in North America, it is in taking seriously this responsibility to reconsider the societies in which we live that this volume is premised. Reconciliation requires accounting for the past, coming to terms with the causes of and acknowledging the harm that has occurred, and a commitment to change future behaviours and relations.<sup>8</sup>

In fact, Maneesha Deckha has recently argued that reconciliation cannot be accomplished through a singular focus on humans, because colonialism has attempted to remake not only intra-human relationships but targeted relationships that are intertwined and play out across territory, animals, and humans.<sup>9</sup> By examining Indigenous Legal Orders—which position animals as persons in the sense that they are subjects, have consciousness, have their own social and familial communities, and exist for themselves rather than as property, objects, and resources—Deckha shows that reconciliation itself will have to be an inter-species process to advance decolonial efforts. Because many Indigenous worldviews often share a focus on the interconnectedness of humans, animals, and the environment, and do not draw sharp distinctions between humans, animals, and territory, the property status of animals under our current laws will impede reconciliatory initiatives in multiple registers. As Deckha writes, “If Indigenous peoples’ subjectivities are enmeshed with animal identities, bodies, and beings, then a legal order that draws a sharp and diametrically different distinction as Canadian state laws do, arguably eclipse the personhood of Indigenous peoples themselves.”<sup>10</sup> Given how colonialism and other projects of white supremacy have relied on the denigrated status of the animal to justify the subjugation of non-white humans and non-humans, an inter-species and more-than-human approach to decolonization is all the more urgent.

This volume is meant as a beginning, rooted in a commitment to taking seriously human-animal relations in contexts of colonialism. The insights from the TRC are not constrained to the Canadian context, but are instructive for thinking through past and ongoing projects of empire, imperialism, and colonialism that structure how we conceptualize humanity, animality, and territory. As Billy-Ray Belcourt argues, reconciliation and decolonization are not mutually exclusive. Rather, we need to be vigilant as to how claims of engaging in reconciliation can be used to support ongoing settler projects that

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<sup>7</sup> TRC “Honouring the Truth, Reconciling for the Future,” VI.

<sup>8</sup> *Ibid.*, 6–7.

<sup>9</sup> Maneesha Deckha (forthcoming). *Unsettling Anthropocentric Legal Systems: Animal Personhood, Indigenous Laws, and Reconciliation Projects*, *Journal of Intercultural Studies*.

<sup>10</sup> *Ibid.*, 16.

attach themselves to, and structure our institutions and dominant practices.<sup>11</sup> Importantly, tension exists between how reconciliation is viewed, with the Canadian state seemingly believing that it requires Indigenous peoples to accept the singularity of colonial rule, whereas Indigenous persons understand it as “an opportunity to affirm their sovereignty and return to the ‘partnership’ ambitions they held after Confederation.”<sup>12</sup> This volume supports and aims to contribute to the latter understanding of reconciliation as decolonial, in that it interrogates the taken-for-grantedness of colonial states and offers alternative ways of relating at the intersections of animality and colonialism—relations that national inquiries such as the Royal Commission on Aboriginal Peoples (1996) and the TRC have shown to be profoundly altered as a driver and consequence of colonialism.<sup>13</sup>

The use of animals and the institution of speciesism have been integral to colonization, with humans continuing to deploy animals to achieve colonial ends. Historians have examined how settlers in North America and Australia used animals imported from Europe in their projects of conquest.<sup>14</sup> Some settlers could not build enclosures fast enough to contain their farmed animals, and roaming farm animals often determined the settlers’ next town. Under English law farmed animals grazing on territory provided the legal grounds for colonists to lay property rights as this constituted “productive use.”<sup>15</sup>

The claim that Indigenous persons were closer to animals than to white European men also functioned to cast them without culture and as inferior persons requiring civilization, justifying colonial projects. Indigenous people in North America were, for example, compared to wolves because they purportedly lived in forests and their relations were unmediated by legal property statutes. Other categories of animals, such as the domesticated dog, were used to subdue those likened to wolves. Political theorist Claire Jean Kim’s research shows that influential religious leaders advised governors to use dogs to pursue Native Americans as “they act like wolves and are to be dealt with as wolves.”<sup>16</sup> The use of non-consenting animals and the trope of animality in projects of white supremacy have been ubiquitous. Slave owners weaponized dogs to instil terror and to “hunt” escaped slaves, and military and police regimes continue to rely on horses

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<sup>11</sup> Billy-Ray Belcourt, “The Day of the TRC Final Report: On Being in This World without Wanting It,” *Rabble.ca*, December 15, 2015, <http://rabble.ca/news/2015/12/day-trc-final-report-on-being-this-world-without-wanting-it>.

<sup>12</sup> TRC “Honouring the Truth, Reconciling for the Future,” 187.

<sup>13</sup> Royal Commission on Aboriginal Peoples, “Volume I.”

<sup>14</sup> Virginia Anderson, *Creatures of Empire: How Domestic Animals Transformed Early America* (New York: Oxford University Press, 2006); John Ryan Fischer, *Cattle Colonialism: An Environmental History of the Conquest of California and Hawai’i* (Chapel Hill: The University of North Carolina Press, 2015); Claire Jean Kim, *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age* (New York: Cambridge University Press, 2015).

<sup>15</sup> Anderson, *Creatures of Empire*.

<sup>16</sup> Stoddard cited in Kim, *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age*, 47.

and dogs to suppress crowds, protests, and individuals—often Indigenous and persons of colour who threaten colonial state order.

State service animals are used as racialized weapons and are themselves exploited and killed in the “line of duty.” Yet this is duty in the service of white supremacy to which they cannot consent. Police dogs and military animals are said to have “sacrificed” their lives to the country and may be bestowed the honorary status of police officers and military heroes. In Canada, the killing of Quanto, a police dog stabbed to death by a man fleeing arrest, not only led to the incarceration in solitary confinement of an Indigenous man, Paul Joseph Vukmanich, but catalysed the Justice for Animals in Service Act, which became law on June 23, 2015.<sup>17</sup> The stated purpose of this Act is to “to ensure that offenders who harm those animals or assault peace officers are held fully accountable.”<sup>18</sup> Under this Act, those found guilty of killing law enforcement, military, or service animals carry a mandatory minimum sentence of six months. As such the killing of animals mobilized by institutions of colonialism/Indigenous suppression is an offense under the Criminal Code of Canada, even while police officers routinely kill and sexually assault persons of colour without legal or professional repercussion, animals continued to be farmed and killed for food, animals are cut open and tortured in military medical training exercises, and animals are routinely poisoned and destroyed in medical, pharmaceutical, and cosmetics testing facilities with no consequences.

While some theorists have turned to non-Western and Indigenous cultures for examples of less or non-speciesist worldviews, the relationship between anti-colonial politics and animal activism has been fraught.<sup>19</sup> Single-issue animal activist campaigns have often functioned to justify racism, xenophobia, and exclusion, with, to adapt Gayatri Spivak’s phrase, white humans saving animals from brown humans. For instance, the racialized practices of eating shark fins and dog meat have been marked as cruel and backward, in contrast with dominant constructions of (equally animal-based or even more carnist) Western diets as sophisticated and humane. Indigenous rights activists and animal rights activists have clashed over the issue of hunting charismatic animals such as whales and seals, often eclipsing more widespread forms of animal, colonial, and racial oppression in Western, settler societies. Ecofeminist approaches to animal ethics have been riven over the issue of Indigenous hunting; some ecofeminists have ex-

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<sup>17</sup> CBC News “Quanto’s Law Brings Closure after Police Dog’s Death, Say Police,” October 18, 2013, [www.cbc.ca/news/canada/edmonton/quanto-s-law-brings-closure-after-police-dog-s-death-say-police-1.2125668](http://www.cbc.ca/news/canada/edmonton/quanto-s-law-brings-closure-after-police-dog-s-death-say-police-1.2125668).

<sup>18</sup> Canada, “Justice for Animals in Service Act (Quanto’s Law)” (2015), [https://laws-lois.justice.gc.ca/eng/annualstatutes/2015\\_34/page-1.html](https://laws-lois.justice.gc.ca/eng/annualstatutes/2015_34/page-1.html).

<sup>19</sup> George Wenzel, *Animal Rights, Human Rights: Ecology, Economy, and Ideology in the Canadian Arctic*, Trade PB edition (Toronto: University of Toronto Press, Scholarly Publishing Division, 1991); Aletha Arnaquq-Baril, *Angry Inuk* (National Film Board of Canada, 2016), [www.nfb.ca/film/angry\\_inuk/](http://www.nfb.ca/film/angry_inuk/).

pressed dismissive views of the spiritual significance of hunting for Indigenous people<sup>20</sup> or have charged Indigenous people with cultural imperialism towards the animals they hunt,<sup>21</sup> while others, such as Val Plumwood, Deanne Curtin, and Karen Warren, have argued for contextual rather than universalizing forms of ethical vegetarianism.<sup>22</sup>

While these debates over hunting have focused on cultural practices of meat-eating, ecofeminist Greta Gaard and Critical Animal Studies scholar Vasile Stănescu have recently offered complex studies of dairy production, dairy promotion, and milk consumption at the intersections of feminism, postcolonial theory, and posthumanism.<sup>23</sup> In “Toward a Feminist Postcolonial Milk Studies,” Gaard shows that milk—beginning with breastmilk—is a feminist issue, and, given the ways that environmental toxins are biomagnified in human and other animals’ breastmilk, milk is an ecofeminist issue in particular. Because female non-human animals are “milked”—which, as Gaard notes, in vernacular English means “to take for everything you can get”<sup>24</sup>—for human consumption, milk is also a Critical Animal Studies issue, and a feminist Critical Animal Studies issue specifically. Milk is moreover a postcolonial issue because its consumption as a “pure,” “white” beverage has long been taken as a cause of European racial superiority, with people of colour purportedly being weaker and less virile because many are lactose-intolerant. Milk is also a postcolonial issue because Indigenous people have been robbed of their lands so that white settlers could graze dairy cows; because environmental pollutants from this dairy industry have harmed Indigenous people and people of colour in exacerbated, environmentally racist ways; and because food colonialism and the exportation of Western dietary norms have resulted in exponential and ecologically disastrous increases in dairy consumption in countries such as China and India.<sup>25</sup> For reasons such as these, Gaard demonstrates that milk must be considered at the intersections of posthumanism, feminism, and postcolonial studies, and her article begins to explore this intersectional field.

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<sup>20</sup> Marti Kheel, “License to Kill: An Ecofeminist Critique of Hunters’ Discourse,” *Animals and Women: Feminist Theoretical Explorations*, edited by Carol J. Adams and Josephine Donovan (Durham, NC: Duke University Press, 1995), 85–125.

<sup>21</sup> Lori Gruen, “The Faces of Animal Oppression,” *Dancing with Iris: The Philosophy of Iris Marion Young*, edited by Ann Ferguson and Mechthild Nagel (Oxford and New York: Oxford University Press, 2009), 225–237.

<sup>22</sup> Val Plumwood, “Integrating Ethical Frameworks for Animals, Humans, and Nature: A Critical Feminist Eco-Socialist Analysis,” *Ethics & the Environment* 5, no. 2 (2000): 285–322; Deane Curtin, *Environmental Ethics for a Postcolonial World* (Oxford: Rowman & Littlefield Publishers, 2005), <https://rowman.com/ISBN/9780742578487/Environmental-Ethics-for-a-Postcolonial-World>; Karen J. Warren, *Ecofeminist Philosophy: A Western Perspective on What It Is and Why It Matters* (Lanham, MD: Rowman & Littlefield Publishers, 2000).

<sup>23</sup> Greta Gaard, “Toward a Feminist Postcolonial Milk Studies,” *American Quarterly* 65, no. 3 (2013): 595–618, doi:10.1353/aq.2013.0040; Vasile Stănescu, “‘White Power Milk’: Milk, Dietary Racism, and the ‘Alt-Right,’” *Animal Studies Journal* 7, no. 2 (2018): 102–128.

<sup>24</sup> Gaard, “Toward a Feminist Postcolonial Milk Studies,” 599.

<sup>25</sup> *Ibid.*, 597.

For his part, in “‘White Power Milk’: Milk, Dietary Racism, and the ‘Alt Right’,”<sup>26</sup> Stănescu examines some of the ways that milk, like Ivory soap, has been taken as a symbol of racial purity. In particular, Stănescu describes recent ways in which male white supremacist members of the extreme right have taken up milk consumption and lactose-tolerance as an indicator of racial superiority and white masculinity in their social media posts. In so doing, he tracks how this phenomenon perpetuates intersecting 19th- and 20th-century histories of colonialism, xenophobia and anti-immigrant sentiments, sexism and animal oppression. Perhaps most troublingly, Stănescu shows that this ongoing history of gender-inflected dietary racism is not only prevalent in the social media of the extreme right, but has had uptake in mainstream media and academic scholarship through the 20th century until today.

Other decolonial and postcolonial scholars have also demonstrated the interconnections between animal oppression, imperialism, and settler colonialism, and have argued for the need to centre race in Critical Animal Studies. Legal scholar Maneesha Deckha, for instance, has highlighted the ways that imperialism is justified through animalizations of racial others and condemnations of the ways colonized others treat animals, even while imperial identities are constituted through the consumption of animal bodies.<sup>27</sup> Jacqueline Dalziell and Dinesh Wadiwel’s article, “Live Exports, Animal Advocacy, Race and ‘Animal Nationalism’,”<sup>28</sup> interrogates the success of animal advocacy in cases where such advocacy taps into pre-existing perceptions of white superiority, taking the controversy over and legislative responses to live animal transport from Australia to Indonesia as their case study. Political theorist Claire Jean Kim has provided detailed examinations of the intersection of race and species in disputes over how immigrants of colour, racialized minorities, and Native people use animals in their cultural traditions, focusing on the live animal markets in San Francisco’s Chinatown, whale hunting by Indigenous peoples, and anti-Black racism in animal advocacy campaigns against dog fighting.<sup>29</sup>

The chapters in Section I, “Tensions and Alliances between Animal and Decolonial Activisms,” forefront these conversations. Together, Chapters 1–3 show the need for further dialogue and solidarity between decolonial and Critical Animal Studies scholars and activists. In Chapter 1, “An Indigenous Critique of Critical Animal Studies,” Cree scholar Billy-Ray Belcourt revisits his influential article, “Animal Bodies, Colonial Subjects,” arguing that speciesism and animal oppression are made possible in settler colonial contexts through the prior and ongoing dispossession and erasure of Indigenous

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<sup>26</sup> Stănescu, “‘White Power Milk’.”

<sup>27</sup> Maneesha Deckha, “Toward a Postcolonial, Posthumanist Feminist Theory: Centralizing Race and Culture in Feminist Work on Nonhuman Animals,” *Hypatia* 27, no. 3 (2012): 527–545, doi:10.1111/j.1527-2001.2012.01290.x.

<sup>28</sup> Jacqueline Dalziell and Dinesh Joseph Wadiwel, “Live Exports, Animal Advocacy, Race and ‘Animal Nationalism,’” *Meat Culture*, edited by Annie Potts (Boston, MA: Brill, 2016), 73–89, [https://brill.com/view/book/edcoll/9789004325852/B9789004325852\\_005.xml](https://brill.com/view/book/edcoll/9789004325852/B9789004325852_005.xml).

<sup>29</sup> Kim, *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age*.

people from the lands on which animals are now domesticated and exploited. Belcourt critiques the ways that Critical Animal Studies typically assume and operate within the “givenness” of a settler colonial state, and suggests that Critical Animal Studies should centre an analysis of Indigeneity and call for the repatriation of Indigenous lands. In Chapter 2, “Tensions in Contemporary Indigenous and Animal Advocacy Struggles: The Commercial Seal Hunt as a Case Study,” Darren Chang argues that despite conflict between multiple groups about the Canadian commercial seal hunt, foundational attention to colonial and racial capitalist relations, themselves embedded in animal exploitation, must be meaningfully thought together and addressed if we are to have any hope of addressing systems destroying wildlife. In Chapter 3, we reproduce Claire Jean Kim’s “Makah Whaling and the (Non) Ecological Indian,” first published in her important monograph, *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age*.<sup>30</sup> In this chapter, Kim analyses disputes about the Makah’s decision to resume whaling after a multi-decade hiatus. Whereas animal advocates seeking to prevent the hunt relied on ecological and ethical arguments, some members of the Makah Indian nation claimed that the hunt was fundamental to their culture, and that they were once again the target of cultural imperialism. Providing a case study on single-issue versus multi-issue advocacy, Kim argues that a politics of truly considering the validity of another group’s claims would provide the conditions to recognize and attend to each other’s needs, be that of tribal justice, non-Western ontologies of life, environmental preservation, or animal protection.

Indigenous people are both idealized as living in harmony with nature and other animals and simultaneously constructed as having static cultures entirely dependent on the killing of animals. The first view romanticizes what Claire Jean Kim calls “the ecological Indian,” failing to recognize differences between diverse Indigenous cultures, and the ways that interactions with settler colonialism have transformed these manifold cultures. The second view is encapsulated by Indigenous historian Rita Laws (Choctaw Nation), who writes ironically of “How well we know the stereotype of the rugged Plains Indian: killer of buffalo, dressed in quill-decorated buckskin, elaborately feathered headdress, and leather moccasins, living in an animal-skin teepee, master of the dog and horse, and stranger to vegetables.”<sup>31</sup> Like the first view, the stereotype of the Indigenous hunter also fails to recognize the diversity of Indigenous cultures and transformations in these cultures over time. For instance, as Laws demonstrates, the “buffalo-as-lifestyle phenomenon” was “a direct result of European influence,” and was “limited almost exclusively to the Apaches, flourish[ing] no more than a couple hundred years.”<sup>32</sup> As Native Studies scholar Nathalie Kermoal has moreover argued, the focus on the Indigenous hunter privileges men’s contributions to traditional Indigenous foodways, whereas women’s gathering activities in fact provided the mainstay of many

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<sup>30</sup> Ibid.

<sup>31</sup> Rita Laws, “History of Vegetarianism – Native Americans and Vegetarianism,” *Vegetarian Journal*, 1994, [https://ivu.org/history/native\\_americans.html](https://ivu.org/history/native_americans.html).

<sup>32</sup> Ibid.

Indigenous peoples' diets and ensured their survival through the winter months.<sup>33</sup> Indeed, many Indigenous cultures were characterized primarily by plant-based diets and complexly critical attitudes towards meat-eating prior to contact with Europeans.<sup>34</sup> For these reasons, some Indigenous activists urge a return to a plant-based diet as a form of decolonization.<sup>35</sup> Significantly, similar arguments have recently been advanced by Black feminist vegans and other vegans of colour,<sup>36</sup> indicating a growing movement challenging the paradoxical stereotype of veganism as elite and white.

Regardless of whether Indigenous people come from traditional hunter-gatherer societies or from societies with traditionally plant-based diets, it should go without saying that is entirely possible for Indigenous people to be critical of contemporary meat-production, industrialized animal agriculture, and the killing of animals in times and contexts where such violence and death are unnecessary and environmentally unsustainable. In a series of articles, Mi'kmaq scholar Margaret Robinson has argued that although the traditional diet of the Mi'kmaq was heavily based on animal foods, given the view of human-animal relations as one of siblinghood that is evident in Mi'kmaq legends, veganism is more consistent with Mi'kmaq values than meat-eating in most contemporary contexts.<sup>37</sup> In Mi'kmaq legends, animals sacrificed their lives to humans who treated them respectfully, and humans took those lives due exclusively to necessity. Today, when many Indigenous people live in locations where plant-based foods are available year-round, and where animal deaths do not occur in the respectful and limited manner that characterized traditional Mi'kmaq hunting, Robinson argues that meat-eating violates core Mi'kmaq values.<sup>38</sup> According to Robinson, veganism is in fact a way to reject the speciesism of settler colonialism which is alien to Mi'kmaq values, and is hence a way to reclaim Indigeneity, to redefine Indigenous tradition and au-

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<sup>33</sup> Nathalie Kermeol, "Métis Women's Environmental Knowledge and the Recognition of Métis Rights," *Living on the Land: Indigenous Women's Understanding of Place*, edited by Nathalie Kermeol and Isabel Altamirano-Jiménez (Edmonton: Athabasca University Press, 2016), 107–137.

<sup>34</sup> Laws, "History of Vegetarianism – Native Americans and Vegetarianism."

<sup>35</sup> Luz Calvo and Catriona Rueda Esquibel, *Decolonize Your Diet: Plant-Based Mexican-American Recipes for Health and Healing*: 9781551525921: Books – Amazon.ca (Vancouver: Arsenal Pulp Press, 2015), [www.amazon.ca/Decolonize-Your-Diet-Plant-Based-Mexican-American/dp/1551525925](http://www.amazon.ca/Decolonize-Your-Diet-Plant-Based-Mexican-American/dp/1551525925); David M. Peña-Guzmán, "Anti-Colonial Food Politics: A Case Study in Action from Mexico – Faunalytics," *Faunalytics* (blog), October 24, 2018, <https://faunalytics.org/anti-colonial-food-politics-a-case-study-in-action-from-mexico/>.

<sup>36</sup> Aph Ko and Syl Ko, *Aphro-Ism: Essays on Pop Culture, Feminism, and Black Veganism from Two Sisters* (New York: Lantern Books, 2017); Julia Feliz Brueck, *Veganism in an Oppressive World: A Vegans-of-Color Community Project* (Sanctuary Publishers, 2017); A. Breeze Harper, ed., *Sistah Vegan: Black Female Vegans Speak on Food, Identity, Health, and Society* (New York: Lantern Books, 2010).

<sup>37</sup> Margaret Robinson, "Veganism and Mi'kmaq Legends," *The Canadian Journal of Native Studies* 33, no. 1 (2013): 189–196; Margaret Robinson, "Animal Personhood in Mi'kmaq Perspective," *Societies* 4, no. 4 (December 3, 2014): 672–688, doi:10.3390/soc4040672.

<sup>38</sup> See also April Johnson, "This Indigenous Scholar Says Veganism Is More Than a Lifestyle for White People – VICE," *VICE*, March 27, 2018, [www.vice.com/en\\_ca/article/7xd8ex/this-indigenous-scholar-says-veganism-is-more-than-a-lifestyle-for-white-people](http://www.vice.com/en_ca/article/7xd8ex/this-indigenous-scholar-says-veganism-is-more-than-a-lifestyle-for-white-people).

thenticity against settler stereotypes, and to live in greater harmony with nature. For her part, Ojibway nation (Catfish clan) author and artist Linda Fisher also challenges the view of Indigenous cultures as static, and adds that Indigenous peoples are not entirely “defined” by their heritages. In “Freeing Feathered Spirits,” Fisher provides an internal critique of the ongoing use of leather, fur, quills, and feathers in Indigenous ceremonies.<sup>39</sup>

The chapters in Section II, “Revisiting the Stereotypes of Indigenous Peoples’ Relationships with Animals,” contribute to these conversations and challenges. Chapter 4, “Veganism and Mi’kmaq Legends,” is a reproduction of one of Margaret Robinson articles on Indigeneity and contemporary food politics. In this chapter, Robinson provides an ecofeminist argument for an Indigenous veganism. Against the perception of veganism as white and colonial, Robinson looks to Mi’kmaq legends in which humans and animals possess a shared personhood in order to account for a veganism that is “ethically, spiritually and culturally compatible with our indigeneity.” Indeed, in the contemporary colonial context of what is called Canada, Robinson argues that “Meat, as a symbol of patriarchy shared with colonizing forces, arguably binds us with white colonial culture to a greater degree than practices such as veganism, which... is far from hegemonic.” In Chapter 5, “Growling Ontologies: Indigeneity, Becoming-Souls and Settler Colonial Inaccessibility,” Mohawk (Bear Clan, Six Nations) and Anishinaabe scholar Vanessa Watts juxtapose and interrogate Indigenous and Western post-structuralist ontologies of humans and animals. Taking up the fluid, and impossible to fix-in-time nature of Indigenous cosmologies, Watts asks what it means to be always becoming bear, human, animal, and broadly souls. Rather than being constrained within the violence of the Western human/animal dualism, Watts suggests a decolonial ethos rooted in and obligated to cosmologies of animality. Finally, Chapter 6 is a co-authored chapter by the editors of this volume, titled “Beyond Edibility: Towards a Nonspeciesist, Decolonized Food Ontology.” In this chapter, we challenge ecofeminist philosopher Val Plumwood’s influential argument that “ontological vegetarianism” is necessarily “racist” towards Indigenous peoples.<sup>40</sup> On the contrary, we show that ontology and contextualism need not be mutually exclusive concepts. Instead, ontology, including ontologies of life and food, is inherently political and thus contextual. By drawing on archival documents we show that in Canada and the United States, our prevailing ontologies of animals and food are deliberate colonial imports that have been integral to settler land acquisition. With this in mind, we argue for a contextual vegan food ontology that resists property relations and the cogent desubjectification of animality inherent in practices of animal agriculture.

Human exceptionalism has been integral to Western settler colonial projects. Cogent with a racialized, gendered, and speciesist hierarchy of life has been the belief that

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<sup>39</sup> Linda Fisher, “Freeing Feathered Spirits,” *Sister Species: Women, Animals and Social Justice*, edited by Lisa Kemmerer (St. Paul, MN: Paradigm, 2011), 110–116.

<sup>40</sup> Plumwood, “Integrating Ethical Frameworks for Animals, Humans, and Nature.”



culture is unique to (typically) white men. Dualisms such as nature/culture, body/mind, female/male, and animal/human have been used to mark those labelled as closer to nature, such as racialized persons, women, and animals, as less human and therefore a-cultural non-agentic non-subjects. The cultural position of animals has also been used as a marker of civility. Reverence, respect, and spiritual communion with animals and nature were used by colonists as evidence of the savagery of Indigenous peoples—a position used to justify the settler project.<sup>41</sup> While the role of animals and animal symbolism to human culture has received sustained academic attention,<sup>42</sup> a context such as ours dominated by “violent hierarchies”<sup>43</sup> of life has meant that little attention has been paid to non-human life worlds and cultures.

Contributing to these conversations, Section III, “Cultural Perspectives,” provides three original chapters by feminist Critical Animal Studies scholars exploring the intersection of animals and culture. In Chapter 7, “He(a)rd: Animal Cultures and Postcolonial Politics,” Lauren Corman argues that despite the forceful criticism levied by postcolonial scholars against imperial ways of knowing, being, and relating, most approaches remain humanist and thus colonial. In a move to resist colonial humanism, Corman urges us not only to account for the impact of colonialism on Indigenous human cultures, but to ask after its effects on animal cultures. By drawing on multidisciplinary scholarship on animal cultures and societies, Corman demonstrates the interplay between colonialism and humanity’s supposed monopoly on culture. In so doing, Corman urges us to consider our responsibilities to the more-than-human when undertaking postcolonial work. In Chapter 8, “Dingoes and Dog Whistling: A Cultural Politics of Race and Species in Australia,” Fiona Probyn-Rapsey interrogates the supposed purity of the taxonomic categorization of Australian dingoes by situating this in broader discourses of racial purity that have characterized colonial genocide and white supremacy. Coming to the fore after decades of panic is a mounting concern over the extinction of the dingo—extinction that is not framed as their elimination, but rather their “mixing” with domestic dogs. These “queer” relationships between dogs and dingoes, as Probyn-Rapsey terms them, not only point to the rich social and cultural lives of canines, but resist the assumed fixity of colonial taxonomization. Rather than dog-dingo hybridity remaining a symptomatic, but also material, locus of (human) colonial genocide, racist anxiety, and projection, Probyn-Rapsey asks us to consider the potential of thinking race and species together in a manner that resists colonial

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<sup>41</sup> Kim, *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age*; Robinson, “Animal Personhood in Mi’kmaq Perspective”; Truth and Reconciliation Commission of Canada, *What We Have Learned: Principles of Truth and Reconciliation*, 2015, <https://central.bac-lac.gc.ca/.item?id=IR4-6-2015-eng&op=pdf&app=Library>.

<sup>42</sup> See, for example, Jacques Derrida, *The Beast and the Sovereign*, Volume I, trans. Geoffrey Bennington (Chicago, IL: University of Chicago Press, 2011); Shukin, *Animal Capital*.

<sup>43</sup> Kim TallBear, “An Indigenous Approach to Critical Animal Studies, Interspecies Thinking, and the New Materialisms,” 2013; Kim TallBear, “Beyond the Life/Not-Life Binary,” *Cryopolitics*, edited by Joanna Radin and Emma Kowal, *Frozen Life in a Melting World* (MIT Press, 2017), 179–202, [www.jstor.org/stable/j.ctt1n2ttqh.13](http://www.jstor.org/stable/j.ctt1n2ttqh.13).

divisions of life. Finally, in Chapter 9, “Haunting Pigs, Swimming Jaguars: Mourning, Animals and Ayahuasca,” Alexandra Isfahani-Hammond moves through personal and political grief as experienced subconsciously, consciously, and in altered states of consciousness. Demonstrating the inextricability of colonial, nation-state, and globalization politics, Isfahani-Hammond presents us with visceral experiences of racialized social death, animal death, and ethical harm. While the trauma and grief of harm against animals is socially and politically marginalized, Isfahani-Hammond contends that we cannot truly escape the animal transport truck nor the slaughterhouse. Instead, we remain personally and politically haunted by the animals upon whom our worlds are premised.

Animal subjugation in colonial contexts is rendered possible and normative through imported imperial legal structures. Law (and the absence of its rule, such as in protection for farmed animals and laboratory animals) shapes and regulates animal life in domestic, agricultural, research, and entertainment contexts. It also interacts with ontology and subjectivity, with human superiority and animals as property assumed as natural accounts of beingness. As such, law infiltrates our extralegal realms to shape how and whom we eat, who shares our homes with us, who is categorized as enough like humans to have pharmaceuticals and cosmetics tested on, but who yet remain legally killable, and who can remain incarcerated for entertainment or other purposes. While Western legal structures privatize animals, territory, and relationships, many see legal change as an avenue to improve the lives of animals whose exploitation is bound up in colonial ontologies.

The chapters in Section IV, “Colonialism, Animals, and the Law,” contribute to the examinations of these themes. In Chapter 10, “Constitutional Protections for Animals: A Comparative Animal-Centred and Postcolonial Reading,” postcolonial feminist theorist and animal law scholar Maneesha Deckha examines constitutional protections in Sweden, Germany, Brazil, and India which provide a contrast to the property status of animals in Canadian and US law. While these legal challenges have culminated, to varying degrees, in findings that animals are different from objects and have personhood and dignity, these findings have largely been interpreted in anthropocentric manners and have affected little practical change for animals. By considering Western and non-Western legal contexts, Deckha resists the imperialism of Eurocentric animal advocacy which often demonizes non-Western human-animal relations as uncivilized and barbaric. Deckha then asks us to consider how “progress” in animal law can be bound up in civilizing logics, while at the same time suggesting legal strategies that do not seek to uphold colonial versions of humanity, and which might achieve more practical success in resisting their status of property. In Chapter 11, “Placing Angola: Racialization, Anthropocentrism, and Settler Colonialism at the Louisiana State Penitentiary’s Angola Rodeo,” Kathryn Gillespie mobilizes empirical research on the Angola penitentiary rodeo to consider the overlapping nexus of racial capitalism, chattel slavery, settler colonialism, mass incarceration, and speciesism. Inasmuch as Angola penitentiary now exists on a former site of plantation slavery, Gillespie demon-

strates the enduring legacies of colonial and racial power that not only come together in racialized mass incarceration, but through the multiple modes of subjugation and domination inherent in the spectacle of the Angola rodeo. Ultimately Gillespie shows that the analytic of dehumanization is insufficient for addressing forms of racialized and specied injustice. Instead, a decolonial and thus de-anthropocentric approach to justice is required. Finally, in Chapter 12, “Towards a Theory of Multi-Species Carcerality,” Kelly Struthers Montford uses the case of prison-based animal agriculture in the colonial context of Canada to propose four symptoms of multi-species carcerality: enclosure, de-animalization, exploited labour, and ontological and ecological toxicity. By tracing the explicitly colonial logics structuring the institutions of the prison and the animal farm in Canada at the turn of the 20th century, Struthers Montford shows that colonial tactics of territorialization, property relationships to life, and the desubjectification of animality continue to be presented as a benevolent initiative to turn prisoners into proper citizens. The toxicity of prison-based agriculture is then not contained behind prison walls but transposes geographic boundaries to sustain settler colonial aims.

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## References

Anderson, Virginia. *Creatures of Empire: How Domestic Animals Transformed Early America*. New York: Oxford University Press, 2006.

Arnaquq-Baril, Aletha. *Angry Inuk*. National Film Board of Canada, 2016. [www.nfb.ca/film/angry\\_inuk/](http://www.nfb.ca/film/angry_inuk/).

Belcourt, Billy-Ray. “The Day of the TRC Final Report: On Being in This World without Wanting It.” *Rabble.Ca*, December 15, 2015. <http://rabble.ca/news/2015/12/day-trc-final-report-on-being-this-world-without-wanting-it>.

Brueck, Julia Feliz. *Veganism in an Oppressive World: A Vegans-of-Color Community Project*. Sanctuary Publishers, 2017.

Calvo, Luz, and Catriona Rueda Esquibel. *Decolonize Your Diet: Plant-Based Mexican- American Recipes for Health and Healing: 9781551525921: Books – Amazon.ca*. Vancouver: Arsenal Pulp Press, 2015. [www.amazon.ca/Decolonize-Your-Diet-Plant-Based-Mexican-American/dp/1551525925](http://www.amazon.ca/Decolonize-Your-Diet-Plant-Based-Mexican-American/dp/1551525925).

Canada. Justice for Animals in Service Act (Quanto's Law) (2015). [https://laws-lois.justice.gc.ca/eng/annualstatutes/2015\\_34/page-1.html](https://laws-lois.justice.gc.ca/eng/annualstatutes/2015_34/page-1.html).

Canada. "Reconciliation," April 9, 2019. [www.rcaanc-cirnac.gc.ca/eng/1400782178444/1529183710887](http://www.rcaanc-cirnac.gc.ca/eng/1400782178444/1529183710887).

CBC News. "Quanto's Law Brings Closure after Police Dog's Death, Say Police | CBC News." CBC, October 18, 2013. [www.cbc.ca/news/canada/edmonton/quanto-s-law-brings-closure-after-police-dog-s-death-say-police-1.2125668](http://www.cbc.ca/news/canada/edmonton/quanto-s-law-brings-closure-after-police-dog-s-death-say-police-1.2125668).

Curtin, Deane. *Environmental Ethics for a Postcolonial World*. Oxford: Rowman & Littlefield Publishers, 2005. <https://rowman.com/ISBN/9780742578487/Environmental-Ethics-for-a-Postcolonial-World>.

Dalziell, Jacqueline, and Dinesh Joseph Wadiwel. "Live Exports, Animal Advocacy, Race and 'Animal Nationalism.'" In *Meat Culture*, edited by Annie Potts, 73–89. Boston, MA: Brill, 2016. [https://brill.com/view/book/edcoll/9789004325852/B9789004325852\\_005.xml](https://brill.com/view/book/edcoll/9789004325852/B9789004325852_005.xml).

Deckha, Maneesha. "Toward a Postcolonial, Posthumanist Feminist Theory: Centralizing Race and Culture in Feminist Work on Nonhuman Animals." *Hypatia* 27, no. 3 (2012): 527–545. doi:10.1111/j.1527-2001.2012.01290.x.

———. (forthcoming). "Unsettling Anthropocentric Legal Systems: Animal Personhood, Indigenous Laws, and Reconciliation Projects." *Journal of Intercultural Studies*.

Derrida, Jacques. *The Beast and the Sovereign, Volume I*. Translated by Geoffrey Bennington. Chicago, IL: University of Chicago Press, 2011.

Fischer, John Ryan. *Cattle Colonialism: An Environmental History of the Conquest of California and Hawai'i*. Chapel Hill: The University of North Carolina Press, 2015.

Fisher, Linda. "Freeing Feathered Spirits." In *Sister Species: Women, Animals and Social Justice*, edited by Lisa Kemmerer, 110–116. St. Paul, MN: Paradigm, 2011.

Gaard, Greta. "Toward a Feminist Postcolonial Milk Studies." *American Quarterly* 65, no. 3 (2013): 595–618. doi:10.1353/aq.2013.0040.

Gruen, Lori. "The Faces of Animal Oppression." In *Dancing with Iris: The Philosophy of Iris Marion Young*, edited by Ann Ferguson and Mechthild Nagel, 225–237. Oxford and New York: Oxford University Press, 2009.

Harper, A. Breeze, ed. *Sistah Vegan: Black Female Vegans Speak on Food, Identity, Health, and Society*. New York: Lantern Books, 2010.

Johnson, April. "This Indigenous Scholar Says Veganism Is More Than a Lifestyle for White People – VICE." VICE, March 27, 2018. [www.vice.com/en\\_ca/article/7xd8ex/this-indigenous-scholar-says-veganism-is-more-than-a-lifestyle-for-white-people](http://www.vice.com/en_ca/article/7xd8ex/this-indigenous-scholar-says-veganism-is-more-than-a-lifestyle-for-white-people).

Kermoal, Nathalie. "Métis Women's Environmental Knowledge and the Recognition of Métis Rights." In *Living on the Land: Indigenous Women's Understanding of Place*, edited by Nathalie Kermoal and Isabel Altamirano-Jiménez, 107–137. Edmonton: Athabasca University Press, 2016.

Kheel, Marti. "License to Kill: An Ecofeminist Critique of Hunters' Discourse." In *Animals and Women: Feminist Theoretical Explorations*, edited by Carol J. Adams and Josephine Donovan, 85–125. Durham, NC: Duke University Press, 1995.

Kim, Claire Jean. *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age*. New York: Cambridge University Press, 2015.

Ko, Aph, and Syl Ko. *Aphro-Isms: Essays on Pop Culture, Feminism, and Black Veganism from Two Sisters*. New York: Lantern Books, 2017.

Lawrence, Bonita. "Gender, Race, and the Regulation of Native Identity in Canada and the United States: An Overview." *Hypatia* 18, no. 2 (2003): 3–31.

Laws, Rita. "History of Vegetarianism – Native Americans and Vegetarianism." *Vegan Journal*, 1994. [https://ivu.org/history/native\\_americans.html](https://ivu.org/history/native_americans.html).

Mosby, Ian. "Administering Colonial Science: Nutrition Research and Human Biomedical Experimentation in Aboriginal Communities and Residential Schools, 1942–1952." *Histoire Sociale/Social History* 46, no. 1 (2013): 145–172.

National Inquiry into Missing and Murdered Indigenous Women and Girls. "A Legal Analysis of Genocide," 2019. [www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Supplementary-Report\\_Genocide.pdf](http://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Supplementary-Report_Genocide.pdf).

———. "Reclaiming Power and Place: Executive Summary of the Final Report," 2019. [http://epe.lac-bac.gc.ca/100/201/301/weekly\\_acquisitions\\_list-ef/2019/19-23/publications.gc.ca/collections/collection\\_2019/bcp-pco/CP32-163-2-3-2019-eng.pdf](http://epe.lac-bac.gc.ca/100/201/301/weekly_acquisitions_list-ef/2019/19-23/publications.gc.ca/collections/collection_2019/bcp-pco/CP32-163-2-3-2019-eng.pdf).

Nichols, Robert. "The Colonialism of Incarceration." *Radical Philosophy Review* 17, no. 2 (2014): 435–455.

Peña-Guzmán, David M. "Anti-Colonial Food Politics: A Case Study in Action from Mexico – Faunalytics." *Faunalytics* (blog), October 24, 2018. <https://faunalytics.org/anti-colonial-food-politics-a-case-study-in-action-from-mexico/>.

Plumwood, Val. "Integrating Ethical Frameworks for Animals, Humans, and Nature: A Critical Feminist Eco-Socialist Analysis." *Ethics & the Environment* 5, no. 2 (2000): 285–322.

Robinson, Margaret. "Veganism and Mi'kmaq Legends." *The Canadian Journal of Native Studies* 33, no. 1 (2013): 189–196.

———. "Animal Personhood in Mi'kmaq Perspective." *Societies* 4, no. 4 (December 3, 2014): 672–688. doi:10.3390/soc4040672.

Royal Commission on Aboriginal Peoples. *Volume I: Looking Forward, Looking Back*. Ottawa: Government of Canada, 1996.

Shukin, Nicole. *Animal Capital: Rendering Life in Biopolitical Times*. Minneapolis: University of Minnesota Press, 2009.

Stănescu, Vasile. "'White Power Milk': Milk, Dietary Racism, and the 'Alt-Right'." *Animal Studies Journal* 7, no. 2 (2018): 102–128.

Struthers Montford, Kelly. "Land, Agriculture, and the Carceral: The Territorializing Function of Penitentiary Farms." *Radical Philosophy Review*, no. online first (2019). doi:10.5840/radphilrev20192494.

Struthers Montford, Kelly, and Dawn Moore. "The Prison as Reserve: Governmentality, Phenomenology, and Indigenizing the Prison (Studies)." *New Criminal Law Review: An International and Interdisciplinary Journal* 21, no. 4 (November 1, 2018): 640–663. doi:10.1525/nclr.2018.21.4.640.

TallBear, Kim. "An Indigenous Approach to Critical Animal Studies, Interspecies Thinking, and New Materialism." *Borders of Kinship: Species/Race/Indigeneity*, Latin American & Caribbean Studies program, the Jackson School of International Studies, the Simpson Center for the Humanities, and the Institute for the Study of Ethnicity, Race, & Sexuality (WISER), University of Washington, 2013.

———. "Beyond the Life/Not-Life Binary: A Feminist-Indigenous Reading of Cryopreservation, Interspecies Thinking, and the New Materialisms." In *Cryopolitics*, edited by Joanna Radin and Emma Kowal, 179–202. *Frozen Life in a Melting World*. MIT Press, 2017. [www.jstor.org/stable/j.ctt1n2ttqh.13](http://www.jstor.org/stable/j.ctt1n2ttqh.13).

Truth and Reconciliation Commission of Canada. "Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada" 2015. [http://epe.lac-lac.gc.ca/100/201/301/weekly\\_acquisition\\_lists/2015/w15-24-F-E.html/collections/collection\\_2015/trc/IR4-7-2015-eng.pdf](http://epe.lac-lac.gc.ca/100/201/301/weekly_acquisition_lists/2015/w15-24-F-E.html/collections/collection_2015/trc/IR4-7-2015-eng.pdf).

———. "What We Have Learned: Principles of Truth and Reconciliation." 2015. <https://central.bac-lac.gc.ca/.item?id=IR4-6-2015-eng&op=pdf&app=Library>.

Warren, Karen J. *Ecofeminist Philosophy: A Western Perspective on What It Is and Why It Matters*. Lanham, MD: Rowman & Littlefield Publishers, 2000.

Wenzel, George. *Animal Rights, Human Rights: Ecology, Economy, and Ideology in the Canadian Arctic*. Trade PB edition. Toronto: University of Toronto Press, Scholarly Publishing Division, 1991.

Woolford, Andrew. *This Benevolent Experiment: Indigenous Boarding Schools, Genocide, and Redress in Canada and the United States*. Winnipeg: University of Manitoba Press, 2015.

**Section I. Tensions and alliances  
between animal and decolonial  
activisms**

# 1 An Indigenous critique of Critical Animal Studies

Billy-Ray Belcourt

## Preface (2018)

I am writing on the occasion of the republication of my 2015 essay “Animal Bodies, Colonial Subjects: (Re)Locating Animality in Decolonial Thought.”<sup>1</sup> This is something of a preface to a slightly altered version of the essay, edited for clarity of thought, word choice, and syntax. By far my most debated piece of academic writing, “Animal Bodies, Colonial Subjects,” was a part of a chorus of meta-critiques of the still-nascent field of Critical Animal Studies (CAS) that had at its core a hermeneutics of suspicion. This is to say that racialized scholars in particular, notably Che Gossett in a Verso Books’ essay,<sup>2</sup> saw and see still the uneven circuits of affective investment that moved through the field and out into the world. This had and has to do minimally with (1) the disappearing of race as a key analytic used to understand the machinations of speciesism and anthropocentrism, (2) a non-engagement with strains of thought in Native and Black studies concerned with earthly flourishing and non-human ontologies; and (3) a trend of making recourse to settler-colonial political institutions to dream up new modalities of animal life as though they were sites of ethical purity. The essay was met predominately with two responses: (1) gratitude for my diagnosis of the above-mentioned lacunas at the time of writing; and (2) doubt that I could make such a generalized argument about a field teeming with a host of scholars from various countries that sees itself as invested in radical activist projects. I, of course, agree still with the provocations I offered up in 2015, but I will say that it was not my intention to hand down a final verdict about CAS that all should subscribe to, but instead to agitate and pressurize those who write in the direction of animal freedom. It was and is a call to tend to the incommensurabilities and interconnectedness of Black, brown, and animal life. Because of the metaphysical closeness of race and animality, the ongoing plundering of Indigenous land in settler states around the globe, and the attendant

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<sup>1</sup> Billy-Ray Belcourt, “Animal Bodies, Colonial Subjects: (Re)Locating Animality in Decolonial Thought.” *Societies* 5 (December 2014): 1–11, doi:10.3390/soc5010001.

<sup>2</sup> [www.versobooks.com/blogs/2228-che-gossett-blackness-animality-and-the-unsovereign](http://www.versobooks.com/blogs/2228-che-gossett-blackness-animality-and-the-unsovereign).



destruction of the earth (among other issues), there is a social stake to doing the work of CAS. My essay then and now was and is a reminder of what is at stake.

## Introduction

It is my contention that Critical Animal Studies (CAS) and mainstream animal activists have generally failed to center an analysis of settler colonialism and therefore operate within “the givenness of the white-supremacist, settler state.”<sup>3</sup> This is a theoretical absence with respect to the colonality of the present insofar as indigeneity is made invisible in the articulation of an anti-speciesist mode of thinking about ethics and earthly life. Our disappearance from this discipline matters because it emblazons a conceptual terrain that mimics the logics of settler colonialism.

Perhaps in an effort to repair this analytic blind spot, a number of CAS scholars have made use of a framework of “total liberation,” framing decolonization, for example, as a “responsibility for all who fight for social justice”; this is done, however, in a way that neither attends to the large body of writing in Indigenous studies about other-than-human life nor calls for both the abolition of the settler state and a repatriation of land to Indigenous communities.<sup>4</sup> A theory of decolonization that is not accountable to Indigenous politics erases the referent—Indigenous peoples—that vitalizes the concept to begin with. To do this is to whitewash decolonization and thus to place settlers at the core of a social justice project that is against the position of the settler as the *a priori* subject of the world. What is negated then is that settler-colonial life-ways are already Indigenous death-ways.

For instance, in *Defining Critical Animal Studies*, Anthony J. Nocella II et al. argue that CAS must advance “a holistic understanding of the commonality of oppressions... in favor of decentralizing and democratizing society at all levels and on a global basis.”<sup>5</sup> This rendering of “oppressions” as commensurable, however, obfuscates the singularity of settler colonialism insofar as its irreducible elements are the elimination of Indigenous peoples, the theft of land, and the normalization of settler ways of being. “Decolonization wants something different than [other] forms of justice” and is far too often subsumed into “other civil and human-rights based social justice projects.”<sup>6</sup> What

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<sup>3</sup> Andrea Smith, “Indigeneity, Settler Colonialism, White Supremacy.” *Global Dialogue* 12, no. 2, (Summer/Autumn 2010): 10.

<sup>4</sup> Sarat Colling, Sean Parson, and Alessandro Arrigoni, “Until All Are Free: Total Liberation through Revolutionary Decolonization, Groundless Solidarity, and a Relationship Framework.” *Counterpoints* 448 (2014): 59. [www.jstor.org/stable/42982377](http://www.jstor.org/stable/42982377).

<sup>5</sup> Anthony J. Nocella, John Sorenson, Kim Socha, and Atsuko Matsuoka, “Introduction: The Emergence of Critical Animal Studies: The Rise of Intersectional Animal Liberation.” *Counterpoints* 448 (2014): xxvii. [www.jstor.org/stable/42982374](http://www.jstor.org/stable/42982374).

<sup>6</sup> Eve Tuck and K. Wayne Yang, “Decolonization Is Not a Metaphor.” *Decolonization: Indigeneity, Education & Society* 1, no. 1 (2012): 2.

is posited in this formulation of decolonization is a future in which the settler state can be more democratic or less oppressive, which is untenable. Decolonization is not about the “self-transformation” of the settler;<sup>7</sup> it is not a politics of allyship, nor is it “a generic term for struggles against oppressive conditions.”<sup>8</sup>

In their critique of the ways in which academics misapply decolonization, Eve Tuck and K. Wayne Yang argue that internal colonialism requires “the biopolitical and geopolitical management of people, land, flora, and fauna within the ‘domestic’ borders of the imperial nation.”<sup>9</sup> Notably, Tuck and Yang do not take up the question of anthropocentrism, which is what I do here. I argue that neither the abolition of speciesism nor the production of more ethical human-animal relationalities can occur in at least the North American context without the end of settler colonialism. To additionally understand animal life as a vehicle for settler-colonial continuity, I introduce anthropocentrism as one of the key logics of white supremacy. I then think with the politics of animal recognition proposed by Sue Donaldson and Will Kymlicka in *Zoopolis: A Political Theory of Animal Rights* to scrutinize the use of settler-colonial political institutions to advance animal freedom. A presupposition here is that *Zoopolis* is representative of a neoliberal trend in CAS in which animality is conceivable only through settler epistemologies. I conclude with a brief consideration of how Indigenous cosmologies might give glimpses to a more radical alternative to normative ways of thinking about the politics of animals.

Speciesism in this country follows from the historic and ongoing elimination of Indigenous peoples and the theft of Indigenous lands for settler-colonial expansion, including animal agriculture. For that reason, we cannot address animal oppression and liberation without beginning from an understanding that settler colonialism and white supremacy are the bedrock of much of the structural violence that unfolds on occupied Indigenous territory. It is clear that we need to think spatially to get at the ways in which animals are emplaced in a constrained set of zones of living and dying. Animals exist, then, in the settler imaginary as geographic subjects, enervated and trapped. Part of the work of decolonization is thus to unmoor animality from place narrowly comprehended as inherently cruel.

## The logics of white supremacy: anthropocentrism

In “Indigeneity, Settler Colonialism, White Supremacy,” Andrea Smith argues that the “three primary logics of white supremacy” are slaveability/anti-Black racism, genocide, and orientalism, which anchor capitalism, colonialism, and war, respectively.<sup>10</sup>

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<sup>7</sup> Colling, Parson, and Arrigoni, “Until All Are Free,” 52.

<sup>8</sup> Tuck and Wayne, “Decolonization,” 21.

<sup>9</sup> *Ibid.*, 4–5. My emphasis.

<sup>10</sup> Smith, “Indigeneity,” 1.

Smith later suggests that “the consequence of not developing a critical apparatus for intersecting all the logics of white supremacy... is that it prevents us from imagining an alternative” to the settler-colonial and racial state.<sup>11</sup> What I want to do now is add anthropocentrism to this set of logics. According to Donaldson and Kymlicka, anthropocentrism is a “moral theory that takes humanity as its standard”—that is, it is a making of “humanness” so as to circumscribe the “essence” of “‘being human’ or of ‘humanity’,” often with fatal ramifications.<sup>12</sup> Humanity delivers a kind of livability to those inside its ontological confine, and suffering to those banned from it.

In my mind, anthropocentrism is the anchor of speciesism, capitalism, and settler colonialism. Just as Smith’s original logics are woven together vis-à-vis settler sovereignty and racism, it is my contention that speciesism intersects with the logic of genocide to secure a capitalist project of animal agriculture that requires the disappearance of Indigenous peoples from the land.<sup>13</sup> If settler colonialism is to remain both “territorially acquisitive in perpetuity” and about the production of an unhuman suffering, then animals are colonial subjects par excellence, at once the means to genocidal ends (clearing of the plains of Indigenous peoples) and made to take on an impoverished non-existence that results in premature death. Included in the calculus of anthropocentrism, then, is a politics of territoriality that renders land a thing to be owned, to be made into property. Animal agriculture, which uses approximately 30 percent of the Earth’s land mass and accounts for “nearly half of all water used in the United States,”<sup>14</sup> should thus be a key object of inquiry and protest in decolonial thought as much as it is in CAS. However, CAS is beholden also to fixing ethical attention on the originary trauma of dispossession that undergirds all agriculture in North America.

What’s more, the logic of anthropocentrism begets a racial hierarchy that rips indigeneity and blackness from the terrain of the human and then consigns us into the position of the killable. That is, Black and Indigenous peoples are dehumanized and repeatedly inscribed with an animal status—which is always a speciesist rendering of animality as injurious. There is a dual function to this: (1) Black and Indigenous peoples are refused the sovereignty that humanness motors and thus made to weather the terror of a life lived in the status of non-being; and (2) animality is made into a loose signifier, a fungible concept, that invites violence of all sorts.<sup>15</sup> Maria Lugones was attuned to this in a terminal essay in which she argues that the “modern colonial/gender system” uses animality to put an ontological wedge between white womanhood and

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<sup>11</sup> Ibid., 5–6.

<sup>12</sup> Sue Donaldson and Will Kymlicka, *Zoopolis: A Political Theory of Animal Rights* (New York: Oxford University Press, 2011), 33.

<sup>13</sup> Tuck and Wayne, “Decolonization,” 9.

<sup>14</sup> “Facts on Animal Farming and the Environment,” accessed December 13, 2014, [www.onegreenplanet.org/animalsandnature/facts-on-animal-farming-and-the-environment/](http://www.onegreenplanet.org/animalsandnature/facts-on-animal-farming-and-the-environment/)

<sup>15</sup> Alok Vaid-Menon, “My Little Homonationalist Pony: A Critique of Zoophilia,” accessed October 24, 2014. <http://searchworks.stanford.edu/view/fs953jp5133>, 32.

women of color.<sup>16</sup> In white supremacist societies, then, animality is a Trojan horse. It is an explosive concept, used against the marginalized in the war of ideas that determine for whom the world exists.

## The colonial politics of animal recognition

In Zoopolis, Donaldson and Kymlicka rethink animality with the language of “political and cultural membership” to propose a non-speciesist and deontological human-animal relationality that models contemporary applications of neoliberal citizenship.<sup>17</sup> Donaldson and Kymlicka suggest that Animal Rights Theory has failed to think beyond negative rights (i.e., the right not to be killed or confined), and therefore argue that “animals, like humans, should be seen as possessing certain inviolable rights” as determined by doctrines of human rights.<sup>18</sup> They sort animals into three categories: domesticated animals are citizens, feral animals are denizens, and wild animals are members of sovereign nations.<sup>19</sup> Of importance here is the model of recognition that Donaldson and Kymlicka use for domesticated animals that prop up settler-colonial infrastructures of subjecthood. The problem with citizenship as a model for animality is that it makes animals into sites of settler promise.<sup>20</sup> In other words, animals siphon “certain sanctioned fantasies... [that] are insidiously elevated as the parameters of realness.”<sup>21</sup> The animal’s entrance into discourses of settler citizenship therefore reifies the settler state as the sole arbiter of being in the world. In this way, animals are ushered into “forms of life that make settler colonialism’s constitutive hierarchies seem natural.”<sup>22</sup>

I therefore do not hold out hope for the model of animal recognition proposed by Donaldson and Kymlicka insofar as it operates within and consequently upholds infrastructures of settler recognition. I use Coulthard’s “politics of recognition” here to suggest that Donaldson and Kymlicka “reproduce the very configurations of colonial power” that require the disappearance and/or assimilation of Indigenous peoples in their move to save animals from problems of settlers’ making.<sup>23</sup> Donaldson and Kymlicka argue that domesticated animals should be conferred citizenship because they

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<sup>16</sup> Maria Lugones, “Heterosexuality and the Colonial/Modern Gender System.” *Hypatia* 22, no. 1 (Winter 2007): 202–203.

<sup>17</sup> Donaldson and Kymlicka, *Zoopolis*, 14.

<sup>18</sup> *Ibid.*, 4–6.

<sup>19</sup> *Ibid.*, 13.

<sup>20</sup> Judith Butler, *Bodies that Matter: On the Discursive Limits of “Sex”* (London: Routledge: 2011), 89.

<sup>21</sup> *Ibid.*

<sup>22</sup> Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014), 152.

<sup>23</sup> Glen Sean Coulthard, “Subjects of Empire: Indigenous Peoples and the ‘Politics of Recognition’ in Canada.” *Contemporary Political Theory* 6, no. 4 (November 2007): 437.

“are members of our society” with the “capacity to have and express a subjective good, to participate, and to cooperate.”<sup>24</sup> The shift then is not one toward a more capacious freedom for all but a grammatical one: animals metamorphose from objects of violence to subjects of neoliberalism. When Donaldson and Kymlicka frame “citizenship [as] a cooperative social project... in which all are recognized as equals” and “all benefit from the goods of social life,”<sup>25</sup> an image of the country is posited that is vacated of the realities of social and political inequalities. It is fantastical to believe that the state governs in a way that is about “the goods of social life” and not the maintenance of a racial order and territorial regime that wires Indigenous suffering into everyday life. Donaldson and Kymlicka’s citizenship model forecloses Indigenous responses to state violence that contest the genocidal model in which “everything within a settle colonial society strains to destroy or assimilate the Native in order to disappear them from the land.”<sup>26</sup> Precisely because decolonization “sets out to change the order of the world” as “an agenda for total disorder,”<sup>27</sup> Donaldson and Kymlicka’s animal citizenship model is antithetical to Indigenous freedom.

Donaldson and Kymlicka’s theory of animal citizenship is in actuality a politics of “strategic domestication” in which animals are circumscribed by “the terms of recognition in such a way that the foundation of” settler society is “relatively undisturbed.”<sup>28</sup> I contend that this reimagining of animal ontologies and human-animal relations within the language of settler citizenship cannot disrupt those power mechanisms (i.e., capitalism, settler colonialism, and white supremacy) that require the subjugation of both Indigenous peoples and animals. The turn toward “social and political integration” advanced in Zoopolis locates animals within the symbolic and material spaces of a world caught up in a colonality of the present.<sup>29</sup> For instance, Donaldson and Kymlicka argue that the criminal justice system should be expanded to better “protect” animals as citizens.<sup>30</sup> Painting an image of the criminal justice system through analytics such as deterrence, “deserved retribution,” and “protection of basic rights,”<sup>31</sup> Donaldson and Kymlicka adopt a carceral logic in which animals are to be afforded a safety that minoritized populations are not, populations who are instead subject to police violence and incarceration at alarming rates. Donaldson and Kymlicka resultantly substitute forms of economic and/or speciesist violence for the racialized violence of the prison, which throws into relief a hierarchy of ethical concern in which animals supersede people of color. For that reason, our theories of animality must instead be embedded in

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<sup>24</sup> Donaldson and Kymlicka, *Zoopolis*, 122.

<sup>25</sup> *Ibid.*, 137.

<sup>26</sup> Tuck and Wayne, “Decolonization,” 9.

<sup>27</sup> Dylan Powell, “Veganism in the Occupied Territories: Animal Liberation and Anti-Colonialism,” accessed October 24, 2014. <http://dylanxpowell.com/2014/03/01/veganism-in-the-occupied-territories-anticolonialism-and-animal-liberation/>, 2.

<sup>28</sup> Coulthard, “Subjects,” 451.

<sup>29</sup> Donaldson and Kymlicka, *Zoopolis*, 153.

<sup>30</sup> *Ibid.*, 132.

<sup>31</sup> *Ibid.*

a politics of decolonization that recognizes the ways in which Indigenous peoples and Indigenous epistemologies are at stake.

## Indigenous cosmologies and animality

Indigenous nations from coast to coast to coast have cosmologies that can better instruct those in CAS about what an anti-colonial notion of animality might look like. In “Veganism and Mi’kmaq Legends,” for example, Margaret Robinson suggests Mi’kmaq cosmologies are shaped through “a model of creation in which animals are portrayed as our siblings” and thus share a symbiotic form of personhood with humans.<sup>32</sup> In the story of “Muin, The Bear’s Child,” one of her key case studies, a young boy is raised by bears after being abandoned by his stepfather in a forest,<sup>33</sup> which envisages animals not just as active agents but also as beings who are capable of creating kinship relations with humans. Although Robinson examines these legends to propose an Indigenous veganism that finds legitimacy in traditional Indigenous oral cultures, I want to nod to this sort of non-speciesist human-animal relationality as a key node for CAS. We must also be careful, however, to negate the “purposeful and ignorant misrepresentations of Indigenous cosmologies” by those outside of our communities and nations.<sup>34</sup>

I additionally want to briefly present an alternative to the abolitionist/citizenship debate in CAS to get at the coloniality of animals in the anthropocentric imaginary.<sup>35</sup> Animal Rights Theory has traditionally operated through two binarized ideas of the animal. First, scholars such as Gary Francione argue that domesticated animals inhabit hybrid and/or “unnatural” subjectivities that allow them to be used to human ends. As a result of this unethical relationship, Francione proposes an eradication of the domesticated animal all together because the “intent of domestication” is and was intrinsically immoral.<sup>36</sup> Conversely, Donaldson and Kymlicka contend that this argument is itself speciesist and alternatively believe that a citizenship model can create human and domesticated animal interactions that are reciprocal and non-exploitative.<sup>37</sup> It is important to note that settler colonialism constructs death differently for Indigenous peoples and animals. Settler colonialism requires the elimination of Indigenous peoples through genocide or neoliberal processes of assimilation in which the colonized subject symbolically abandons indigeneity for settler ways of living. The corporeal

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<sup>32</sup> Margaret Robinson, “Veganism and Mi’kmaq Legends.” *Canadian Journal of Native Studies* 33, no.1 (2013): 191.

<sup>33</sup> *Ibid.*, 192–193.

<sup>34</sup> Vanessa Watts, “Indigenous Place-Thought & Agency amongst Humans and Non-Humans (First Woman and Sky Woman go on a European World Tour!).” *Decolonization: Indigeneity, Education & Society* 2, no. 1 (2013): 22.

<sup>35</sup> Donaldson and Kymlicka, *Zoopolis*, 79.

<sup>36</sup> *Ibid.*, 78–79.

<sup>37</sup> *Ibid.*, 79.

and/or discursive refusal of indigeneity by the settler state legitimates settler claims to territory and futurity. However, settler colonialism produces animals as commodities embedded in a necropolitical global economy. Said differently, animals are always already consigned to death, to be consumed as meat, clothing, scientific data, and so forth.<sup>38</sup> In short, animals must live to die; Indigenous peoples must die for the settler to live. The alternative to the above debate then is a decolonial politics that conceptualizes animals as kin who co-produce a way of life that engenders care rather than and contra to suffering. So, the settler state “has been characterized by the coercive confinement, manipulation, and exploitation of animals.”<sup>39</sup> Animals thus must first be excised from their colonized subjectivities to be subsequently welcomed into a decolonial subjecthood animated by Indigenous cosmologies. Similar to the ways in which Indigenous peoples can be rid of colonial mentalities, animals can likewise undergo a “process of desubjectification.”<sup>40</sup> In that sense, recalling the representation of animals in Indigenous cosmologies/oral traditions and unsettling speciesism as a “colonial mentality” must be prioritized in decolonial thought. It is important to note finally that the animal and the Indigenous are not commensurable colonial subjects insofar as their experiences of colonization are different—we must therefore continue to account for these differences rather than obfuscate them with a one-size-fits-all solution to a problem—speciesism—looped through and coanimated by colonial violence of all sorts.

## Conclusion

Indigenous Studies and Settler Colonial Studies continue to attend to the “specializations” of settler colonialism, including the ways in which “settler sovereignty imposes sexuality, legality, raciality, language, religion, and property” onto Indigenous communities as an assimilationist tactic.<sup>41</sup> At times, animals fall into the margins of our radical imaginaries, so we ought to think hard about the ways settler-colonial understandings of animality infiltrate our nations. Lines of inquiry one might want to pursue include the distinction between hunting for recreation and hunting for livelihood; how the Inuit in the North require provincialized ways of thinking about ethics and killing (see my contribution to the anthology *Messy Eating*, for example); how nations differ in their understandings of animals, *inter alia*.

In order for Critical Animal Studies to perform the radical work it seeks to, it must be grounded in an understanding of the colonality of the world. In North America, animality is rung through a metaphysics of colonialism. Animals are mired in the

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<sup>38</sup> James Stanescu, “Beyond Biopolitics: Animal Studies, Factory Farms, and the Advent of Deading Life.” *PhaenEX: Journal of Existential and Phenomenological Theory and Culture* 8, no. 2 (Fall/Winter 2013): 148.

<sup>39</sup> Donaldson and Kymlicka, *Zoopolis*, 73.

<sup>40</sup> Coulthard, “Subjects,” 456.

<sup>41</sup> Tuck and Wayne, “Decolonization,” 21.

miseries of colonial power much like Indigenous peoples and according to entangled logics (though not commensurably). It makes a world of difference whether or not one's ethical standpoint flowers from a desire to undo the trauma of colonization and imagine more flourishing futures with Indigenous peoples. This essay, if nothing else, is a note of caution: in the contested terrain of North America, Indigenous flourishing hangs in the balance as an effect of a centuries-long besiegement on behalf of a settler population, and, because of this, indigeneity ought to be at the core of any theory of ethical living.

## References

Belcourt, Billy-Ray. "Animal Bodies, Colonial Subjects: (Re)Locating Animality in Decolonial Thought." *Societies* 5 (December 2014): 1–11, doi:10.3390/soc5010001

Butler, Judith. *Bodies that Matter: On the Discursive Limits of "Sex"*. London: Routledge, 2011.

Colling, Sarat, Sean Parson, and Alessandro Arrigoni. "Until All Are Free: Total Liberation through Revolutionary Decolonization, Groundless Solidarity, and a Relationship Framework." *Counterpoints* 448 (2014): 51–73. [www.jstor.org/stable/42982377](http://www.jstor.org/stable/42982377).

Coulthard, Glen Sean. "Subjects of Empire: Indigenous Peoples and the 'Politics of Recognition' in Canada." *Contemporary Political Theory* 6, no. 4 (November 2007): 437–460.

———. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. Minneapolis: University of Minnesota Press, 2014.

Donaldson, Sue and Will Kymlicka. *Zoopolis: A Political Theory of Animal Rights*. New York: Oxford University Press, 2011.

"Facts on Animal Farming and the Environment." Accessed December 13, 2014, [www.onegreenplanet.org/animalsandnature/facts-on-animal-farming-and-the-environment/](http://www.onegreenplanet.org/animalsandnature/facts-on-animal-farming-and-the-environment/)

Lugones, Maria. "Heterosexualism and the Colonial/Modern Gender System." *Hypatia* 22, no. 1 (Winter 2007): 186–209.

Nocella, Anthony J., John Sorenson, Kim Socha, and Atsuko Matsuoka. "Introduction: The Emergence of Critical Animal Studies: The Rise of Intersectional Animal Liberation." *Counterpoints* 448 (2014): Xix–xxvi. [www.jstor.org/stable/42982374](http://www.jstor.org/stable/42982374).

Powell, Dylan. "Veganism in the Occupied Territories: Animal Liberation and Anti-Colonialism." Accessed October 24, 2014. <http://dylanxpowell.com/2014/03/01/veganism-in-the-occupied-territories-anticolonialism-and-animal-liberation/>

Robinson, Margaret. "Veganism and Mi'kmaq Legends." *Canadian Journal of Native Studies* 33, no. 1 (2013): 184–196.

Smith, Andrea. "Indigeneity, Settler Colonialism, White Supremacy." *Global Dialogue* 12, no. 2 (Summer/Autumn: 2010): 1–13.



Stanescu, James. "Beyond Biopolitics: Animal Studies, Factory Farms, and the Advent of Deading Life." *PhaenEX: Journal of Existential and Phenomenological Theory and Culture* 8, no. 2 (Fall/Winter 2013): 135–160.

Tuck, Eve and K. Wayne Yang. "Decolonization Is Not a Metaphor." *Decolonization: Indigeneity, Education & Society* 1, no. 1 (2012): 1–40.

Vaid-Menon, Alok. "My Little Homonationalist Pony: A Critique of Zoophilia." Accessed October 24, 2014. <http://searchworks.stanford.edu/view/fs953jp5133>.

Veracini, Lorenzo. *Settler Colonialism: A Theoretical Overview*. New York: Palgrave MacMillan, 2012.

Watts, Vanessa. "Indigenous Place-Thought & Agency amongst Humans and Non-Humans (First Woman and Sky Woman go on a European World Tour!)." *Decolonization: Indigeneity, Education & Society* 2, no. 1 (2013): 20–34.

# 2 Tensions in Contemporary Indigenous and Animal Advocacy Struggles: The Commercial Seal Hunt as a Case Study

Darren Chang

## Introduction

Commercial seal hunting remains a contentious issue. In this chapter, I consider the conflicts between various groups engaged in the struggles for or against the commercial seal hunt in Canada that have been unfolding over the past few decades. Together, the tensions that Indigenous peoples experience when confronting neoliberal global capitalism, settler colonialism, Eurocentric white supremacy, and reciprocal relationships with the land make up the main object of my analysis. Given that the focus of my analysis is on the Inuit relation to the sealing industry, I want to acknowledge that while many Indigenous peoples do share similar overarching experiences from the genocidal and assimilative practices and policies carried out by settler-colonial states, differences in diverse cultural and historical backgrounds means that we should always be cautious when generalizing across contexts.

I will first identify my main interlocutors in the seal hunt struggles, as well as their positions and main arguments. These interlocutors include Inuk filmmaker and activist Alethea Arnaquq-Baril and Inuk activist and lawyer Aaju Peter, who advocate for the seal hunt; Sheryl Fink (Director of Wildlife Campaigns with International Fund for Animal Welfare) and Paul Watson (founder of the Sea Shepherd Conservation Society), who represent Western animal and environmental advocacy nongovernmental organizations; as well as Dylan Powell, a white settler anti-colonial activist who has centred his long-time work around animal liberation and Indigenous solidarity. To provide an overview of these perspectives, I will rely on interviews, public statements, and blog posts. Following that, I will summarize some theoretical work from Silvia Rivera Cusicanqui and Glen Coulthard on Indigenous modernity, reciprocal relationships with the land, and the politics of recognition and reconciliation within the liberal-multicultural settler-colonial state of Canada.

Applying Coulthard's and Cusicanqui's theoretical analyses to consider the range of positions on the seal hunt, I propose two main arguments. First, I argue that all efforts going towards defending wild animals and the ecological environment they depend on will likely be rendered ineffective if settler-colonial capitalist processes of dispossessions and destructions go unchallenged. To challenge these processes would require Indigenous communities and settler solidarity to fight for Indigenous self-determination and sustainable economies, while the failure to do so involves legitimizing state powers and relying on state legitimacy to either sustain or collapse capitalist industries. Secondly, I argue that while Eurocentrism, white supremacy, and racism certainly played a significant role in bringing the commercial seal hunt to its knees, the role that nonhuman animals (i.e. the seals themselves) played in their own resistance, and the struggles against capitalist industrial massacres should not be erased or downplayed. Furthermore, the recognition of animal agency and resistance creates opportunities to build solidarities with animals, and to include them as part of various coalitions fighting back against colonial capitalism and other oppressive ideologies and structures.

## Positions and perspectives on the seal hunt

Alethea Arnaquq-Baril's documentary *Angry Inuk* (2016) showcases an impassioned defence of the seal hunt, pointing out the cultural and economic importance of the sealing industry to the Inuit communities. One of the main issues articulated in the film has to do with both the European Economic Community's banning of the importation of harp seal pup skins in 1983 and the European Union's most recent complete ban of seal products from the commercial seal hunt in 2010. Arnaquq-Baril argues that these bans have had devastating impacts on the livelihood of Inuit communities.<sup>1</sup> Although the EU ban included an exemption for Inuit seal products, this exemption is meaningless because the price of Inuit seal skin is heavily dependent on the commercial industry, which effectively makes the Inuit sealers part of the commercial hunt. Aaju Peter, who was featured as a main subject in *Angry Inuk*, has stated in an interview that the exemption in the EU ban is "a form of cultural colonisation," in that the Europeans and Western animal advocates want the Inuit "to be like little stick Eskimos who are stuck on the land and go out in [their] little Eskimo clothes with a harpoon," while disallowing them to hunt with modern technologies or sell their products as part of a commercial industry.<sup>2</sup> In other words, the Inuit exemption in the context of it being granted by colonial powers is both paternalistic and racist in the ways they stereotype the Inuit as culturally and economically backwards. In terms of real outcomes, the Europeans essentially dictate that the Inuit could only hunt for traditional, cultural, and subsistence trading and consumption purposes.

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<sup>1</sup> Judy Wolfe, "Why Are the Inuit So Angry?" Point of View Magazine, July 6, 2016, <http://povmagazine.com/articles/view/why-are-the-inuit-so-angry>

<sup>2</sup> Ibid.

Echoing Peter's views, in my own reflections on the film I proposed that the EU ban and the Inuit exemption should be understood through the "Western civilizational binary logic that defines accepted Western practices as 'civilized' and non-Western practices as 'savage' or 'barbaric'."<sup>3</sup> Understanding how this civilizational logic operates allows us to interpret the EU ban and the Inuit exemption as a way for members of the European Parliament and their constituents to fantasize and aggrandize their moral superiority and exceptionalism. By distancing themselves from animal exploitation and killing practices associated with Indigenous peoples, Europeans reproduce the association of Indigeneity with immorality and savagery, versus civility and enlightenment with whiteness.

Jacqueline Dalziell and Dinesh Wadiwel expound a similar analysis in their critical analysis of the Australian animal advocacy campaigns to ban the shipment of live animals from Australia to Indonesia and other non-Western nations.<sup>4</sup> After the investigation footage of animal slaughter in Indonesia was released to the general public, Australian media, public, and animal advocates discursively produced "Middle Eastern and Asian export nations as savage and regressive," while reaffirming the façade of humanness and civility of Australians' relations with and treatment of farmed animals at home.<sup>5</sup> This is despite the fact that the conditions of animal confinement, exploitation, and killing occurring in farms and slaughterhouses in Australia and other Western or Global North nations have been shown through countless investigations to be as violent and cruel as anywhere else in the world.<sup>6</sup> Therefore, one of the main commonalities between the live export ban and the seal product ban is how both campaigns portray racialized Others and reproduce them as perpetually barbaric and savage, in opposition to civilized white peoples and states that enjoy unquestionable entitlement to exploit and kill animals.<sup>7</sup>

Interestingly, a major distinction between the live export ban and the seal ban lies in how the politicians (and in the case of Australia, also livestock industry lobbyists) representing respective regions chose to engage with the racialized subjects they have produced. In the case of live export, Australian politicians and members of the livestock industry opposed the ban, arguing that ending the shipment of animals from Australia to other destinations would impede Australia's ability to intervene and improve the conditions of animal farming and slaughter in nations deemed to have inferior animal welfare regulations and standards.<sup>8</sup> Dalziell and Wadiwel point out how this argument for Australian government and industries using their supply chain to further

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<sup>3</sup> Darren Chang, "Reflections on Angry Inuk: White Animal Saviour (Industrial) Complex\* and the Perpetuation of Colonial Domination," March 18, 2017, <https://ecology.iww.org/node/2151>

<sup>4</sup> Jacqueline Dalziell and Dinesh Joseph Wadiwel. "Live Exports, Animal Advocacy, Race and 'Animal Nationalism,'" *Meat Culture*, edited by Annie Potts (Leiden; Boston, MA: Brill, 2016), 73–89.

<sup>5</sup> *Ibid.*, 84.

<sup>6</sup> *Ibid.*, 75–76.

<sup>7</sup> *Ibid.*, 84–85.

<sup>8</sup> *Ibid.*, 82.

regulate animal treatment in receiving destinations resembles the civilizing missions that colonial powers have used to justify their domination and dispossession of non-Western peoples. It thus perversely follows that better welfare for animals could only be achieved if Australia were to continue to export animals for slaughter overseas.<sup>9</sup> The seal ban, however, shows how Europeans chose to distance themselves from a collapsing commercial sealing industry as opposed to advocating for better welfare regulations through increased proximity and trade. This distinction demonstrates how governments and industries in the Global North rely on colonial civilizational discourse and logics depending on and according to their financial or economic interests.

Governments and industries, however, are not the only ones using the civilizational discursive framing of animal slaughter to their benefit. The civilizational binary logic also helps to explain why Western NGOs have a tendency to disproportionately target non-Western or culturally specific animal practices and industries with far more aggression and persistence when compared to the practices of their own countries. Western NGOs have shown relative moderation and civility when confronting industries of animal exploitation with European or Western origins (e.g. industrial animal farming and slaughter). This is in part because the modern NGOs have taken on corporate models situated within a nonprofit industrial complex, where priorities centre on the growth of their organizational capacities through appealing to the moral sentiments of their funders (i.e. the settler-colonial population, Europeans, and the state).

In *Angry Inuk*, Arnaquq-Baril also accused the NGOs of employing unethical campaigning strategies for fundraising. According to Arnaquq-Baril, NGOs such as the International Fund for Animal Welfare (IFAW), Greenpeace, Humane Society International (HSI), and the Sea Shepherd Conservation Society (SSCS) ran campaigns that erased Inuit activists from the commercial seal hunt and denied the Inuit their voice in this conflict. Through Arnaquq-Baril's research, she found that animal advocates opposing the seal hunt have never consulted with Inuit communities directly and seemingly refuse to talk to the Inuit, have misled the public with "graphic imagery and creative marketing techniques to make the seal hunt one of the most reviled activities on the planet," and primarily used the seal hunt as an easy way to raise money.<sup>10</sup> One segment of *Angry Inuk* presented a 1978 CBC interview with Paul Watson, where Watson openly admitted that using images of seals crying (a natural tearing function that protects seals' eyes from salt and freezing, with no known connection to their cognitions and emotions) was one of the easiest fundraising techniques for NGOs such as Greenpeace.<sup>11</sup> Although Watson seemingly denounced these practices in that interview, he and the SSCS would go on to adopt the exact same strategy of targeting the seal hunt, which continues to this day.

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<sup>9</sup> Ibid.

<sup>10</sup> Wolfe, "Why."

<sup>11</sup> Ibid.

Countering the claims and arguments narrated in *Angry Inuk*, the animal advocacy NGOs typically maintain sharp distinctions between Canada's East Coast seal hunt and the Inuit hunt, and assert that they have never campaigned against the latter. Sheryl Fink of IFAW outlines some observable differences between the two hunts. In terms of killing methods and animal use, media depictions typically show Inuit hunts to involve an overall respect for the animals by using every part of the body and require patience and skill in hunting techniques.<sup>12</sup> Meanwhile, mass industrial slaughter involves the use of boats to smash through ice to reach a high concentration of pups, helicopters to lift stacks of seal skin to the boats, and hakapiks<sup>13</sup> to efficiently crush seal skulls in mass numbers, and an estimated 92 percent of seal meat goes to waste due to a lack of demand.<sup>14</sup> There are also different regulations: the Department of Fisheries and Oceans manages the commercial seal hunt by determining an annual total allowable catch of 400,000 harp seals and 60,000 grey seals, which licensed sealers are not allowed to exceed; however, Indigenous sealers and "residents of Labrador north of 53°N latitude" are not required to have licences, do not have to abide by the regulations, and hunt an average of 1,500–2,000 seals annually.<sup>15</sup>

Lastly, with regard to market impacts, Fink suggests that the major differences between the hunts indicate that it is likely that the effect of the ban on Inuit livelihood is overestimated.<sup>16</sup> Citing a 2010 article from *Nunatsiaq News* based in Iqaluit, Nunavut, as well as a 2013 CBC article, Fink argues that the Inuit exemption in the EU ban, combined with the low production of sealskins in the North and the low market demand in the EU, are actually the main factors why the Inuit are experiencing difficulties selling their sealskins.<sup>17</sup> First, according to the *Nunatsiaq* editorial, "sealing is not an industry and never has been an industry" in Nunavut; it has contributed "virtually nothing to Nunavut's economy"; and it is primarily "an important cultural expression."<sup>18</sup> Secondly, the CBC article points out that although "local demand for sealskins is at an all-time high," and the Nunavut government continues to pay seal hunters the same prices per sealskin pelt as they obtained prior to the EU ban, seal-

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<sup>12</sup> Sheryl Fink. "Differences between Inuit, Canada's East Coast Seal Hunts," March 27, 2017, [www.ifaw.org/canada/news/differences-between-inuit-canada%E2%80%99s-east-coast-seal-hunts](http://www.ifaw.org/canada/news/differences-between-inuit-canada%E2%80%99s-east-coast-seal-hunts).

<sup>13</sup> A club, hammer, and hook combination tool specifically designed by Norwegian sealers to kill seals.

<sup>14</sup> See Fink, "Differences" and Fink "WATCH: Canada's commercial seal hunt: Separating myth from fact," April 10, 2017, [www.ifaw.org/canada/news/watch-canada%E2%80%99s-commercial-seal-hunt-separating-myth-fact](http://www.ifaw.org/canada/news/watch-canada%E2%80%99s-commercial-seal-hunt-separating-myth-fact).

<sup>15</sup> Fink, "Differences."

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> *Nunatsiaq News*, "Less Symbolism, More Realism Please," March 16, 2010, [www.nunatsiaqonline.ca/stories/article/9768\\_less\\_symbolism\\_more\\_realism\\_please/](http://www.nunatsiaqonline.ca/stories/article/9768_less_symbolism_more_realism_please/)

skin production in Nunavut has decreased by more than half since the EU ban.<sup>19</sup> Devin Imrie, acting director of fisheries and sealing in Nunavut, suspects that multiple factors contributed to the decline; these include that lower sealskin prices could serve to discourage hunting, or that there is a possible decline in the seal population.<sup>20</sup>

In her conclusion, Fink denounces what she sees as deliberate attempts to blur the differences between the two hunts, and attributes much of the blame to the Federal Government of Canada. Fink mentions an internal government memo from 2001 that explicitly states the Canadian government's strategy of "playing the Nunavut Inuit card as leverage... [to gain access to markets for seal products] and have the east coast sealers follow," although this evidence was not referenced in her article.<sup>21</sup> Nonetheless, the combined narrative and strategy of maintaining the distinctions between the two hunts while assigning blame to the Canadian government is commonly repeated among almost all anti-sealing animal advocates.

In a recent public statement, Paul Watson criticized Greenpeace for endorsing the commercial seal hunt and issuing an apology to the Inuit over past anti-sealing campaigns carried out by Greenpeace. In his statement, Watson claimed that the Canadian government had devised a strategy in 1985 to revive commercial sealing following the 1983 European ban on whitecoat seal pups. Watson states that the strategy "was to promote seal fur with a deliberate tactic of associating the commercial East Coast seal slaughter with Indigenous Northern Native cultures," and that the Inuit had agreed to this manipulative government ploy to their own disadvantage "in exchange for subsidies."<sup>22</sup> This disadvantage was evident in the corporate exploitation of Inuit sealers when they receive "less than 5% of the final retail price" of the sealskin products.<sup>23</sup> Moreover, Watson argues that despite the Inuit exemption, "the Inuit voluntarily included themselves in the ban on all seal products" when Inuit leadership willingly entered into political alliance with white commercial sealers for purely political reasons.<sup>24</sup>

Similarly, although from a much more humble and critical anti-colonial perspective, activist Dylan Powell puts forward his belief that the Canadian government has been using the seal hunt to manufacture a "wedge between Inuit communities and Animal Rights activists" to serve their own destructive interests in resource extraction and

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<sup>19</sup> CBC News, "As Local Fur Demand Rises, Mysterious Drop in Nunavut Seal Harvest," December 18, 2013, [www.cbc.ca/news/canada/north/as-local-fur-demand-rises-mysterious-drop-in-nunavut-seal-harvest-1.2468737](http://www.cbc.ca/news/canada/north/as-local-fur-demand-rises-mysterious-drop-in-nunavut-seal-harvest-1.2468737)

<sup>20</sup> Ibid.

<sup>21</sup> Fink, "Differences."

<sup>22</sup> Paul Watson, "I Do Not Apologize for Opposing the Slaughter of Seals," January 28, 2016, [www.pamelaandersonfoundation.org/news/2016/1/27/i-do-not-apologize-for-opposing-the-slaughter-of-seals-by-captain-paul-watson](http://www.pamelaandersonfoundation.org/news/2016/1/27/i-do-not-apologize-for-opposing-the-slaughter-of-seals-by-captain-paul-watson)

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

assimilation.<sup>25</sup> Powell observes how the Canadian government has “done nothing substantive to transition or ensure alternative economic options” for East Coast sealers or Inuit communities, despite having known for years that the demand for seal products has completely eroded.<sup>26</sup> By offering subsidies to the sealing industry and using it to “extract political capital,” the Canadian government would have achieved “a major political victory” if they could “collapse the economy, pit traditional communities against environmentalists and animal rights activists, and walk away looking like the good guy.”<sup>27</sup>

However, unlike Watson who appears to frame the Inuit as mostly victims in this conflict (both victims to state manipulation and their own bad decisions), Powell acknowledges Inuit voices and agency in their decision making and believes that “Inuit folks are making decisions based upon what they believe to be the best interests for their community and for the land.”<sup>28</sup> Powell believes that Inuit communities recognize they are positioned at the bottom of the global commercial trade and understand that a collapse on the top would also crush them; they realize how the collapse of the sealing industry would “only heighten food insecurity, decrease autonomy and make way for more aggressive resources extraction,” which would also bring about more negative impacts on wild animals of the North.<sup>29</sup>

Powell’s speculations are affirmed by Arnaquq-Baril when she declares that animal and environmental NGOs’ anti-sealing efforts have actually pushed the Inuit “toward massive destructive resource extraction industries” faster than they want to approach them, and that the animal advocacy community actually shares common objectives with the Inuit when it comes to defending wild animals and the environment.<sup>30</sup> In fact, Watson also claimed that Greenpeace was only apologizing to the Inuit for the purpose of building an alliance against increased corporate and state interests in Arctic drilling and other resource extraction development.<sup>31</sup> I will later discuss the politics surrounding the possible coalitions between the Inuit communities and the animal/environmental NGOs suggested by Powell and Arnaquq-Baril. For now, I conclude this section by highlighting the ongoing tension between the need to defend the land against more destructive resource extraction industries and the threat of a collapsing commercial sealing industry.

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<sup>25</sup> Dylan Powell. “An Animal Liberationist Perspective on #sealfie and the Inuit Seal Hunt,” April 2, 2014, <https://dylanxpowell.wordpress.com/2014/04/02/an-animal-liberationist-perspective-on-sealfie-and-the-inuit-seal-hunt/>

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Wolfe, “Why.”

<sup>31</sup> Watson, “I Do Not.”



# Grounded normativity, Indigenous modernity, and the colonial politics of recognition

One of Glen Coulthard's main arguments in *Red Skin, White Masks* is that "a recognition-based approach to reconciling Indigenous peoples' assertions of nationhood with settler-state sovereignty" only serves to maintain colonial domination "insofar as it remains structurally committed to the dispossession of Indigenous peoples of [their] lands and self-determining authority."<sup>32</sup> According to Coulthard, these attempts at dispossession through the "politics of recognition" and reconciliation are usually performed in the offer to accommodate "Indigenous identity-related claims through the negotiation of settlements over issues such as land, economic development, and self-government."<sup>33</sup> For example, the state has no concerns when it comes to recognizing Indigenous rights to self-governance over their cultures, identities, traditions, languages, and institutions so long as these recognitions are "grounded in the assumption that Aboriginal rights are subordinately positioned within the ultimate sovereign authority" of the state, most importantly the state sovereignty over Indigenous land and territories.<sup>34</sup>

Given that land is so central to Indigenous self-determination and decolonization, Coulthard offers an ethical and epistemological framework he calls "grounded normativity" as a foundational theory to inform decolonizing practices. Grounded normativity is defined as a form of Indigenous relationship with the land that is based on reciprocity, in which the land informs Indigenous ways of life by teaching Indigenous peoples how to "live in relation to one another and [their] surroundings in a respectful, nondominating and nonexploitative way."<sup>35</sup> This means that Indigenous struggles against settler colonialism, imperialism, and capitalism informed by grounded normativity are more than simply struggles for the land; it would also involve and require Indigenous peoples to live on the land with each other and their living environment in reciprocal ways, informed by place-based knowledge and practices.<sup>36</sup> Because recognition politics allows states to reinforce and reproduce structures of colonial domination without overt violence, and relies instead on their "ability to entice Indigenous peoples to identify, either implicitly or explicitly, with the profoundly asymmetrical and nonreciprocal forms of recognition either imposed on or granted to them by settler state and society," decolonization would require resisting and turning away from this state enticement.<sup>37</sup> Grounded normativity effectively becomes the antithesis to the politics of recognition

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<sup>32</sup> Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014), 151.

<sup>33</sup> *Ibid.*

<sup>34</sup> Coulthard, *Red*, 123.

<sup>35</sup> *Ibid.*, 60.

<sup>36</sup> *Ibid.*

<sup>37</sup> Coulthard, *Red*, 25. Emphasis in original.

as it offers an alternative to the enticement of state recognition by re-focusing Indigenous relationships with the land as the most central aspect of anti-colonial struggles.

However, there are at least two related major obstacles to practising grounded normativity. The first concerns the notion of modernity and how Indigenous peoples' identities would be discursively produced as belonging in the past if they are to live by grounded normativity. The second issue relates to whether to sustainably practise the nondominating and nonexploitative relational ethics and values of grounded normativity is actually realistic and practicable in a world that is in the grip of neoliberal global capitalism.

In her work, Aymaran activist Silvia Rivera Cusicanqui confronts the first problem within the context of Indigenous struggles in Bolivia, where Indigenous peoples make up the majority of the population. Like Coulthard, Cusicanqui rejects the politics of recognition from a liberal multicultural state. Cusicanqui argues that liberal multiculturalism contains a hidden agenda that seeks to discursively fix Indigenous peoples "to a past that is imagined to be still, static, and archaic."<sup>38</sup> Furthermore, multicultural discourse "denies the contemporaneity" of Indigenous peoples, "excludes them from the battles of modernity," stereotypes them as the noble savage and guardian of nature, and effectively converts them into minorities by granting them a residual status.<sup>39</sup> Cusicanqui's view also echoes what was expressed by Aaju Peter with regard to how the Inuit are represented and treated as outside of contemporaneity by the Inuit exemption in the EU ban, that they are denied their presence and voices in the modern commercial seal hunt. Given this analysis, the ethical values associated with grounded normativity could serve to reinforce what Cusicanqui called the "Aboriginal discourse," which represents Indigeneity as a "museum ethnicity," belonging "in a cage like endangered species."<sup>40</sup>

One of the ways Cusicanqui overcomes this first problem is by flipping the discourse to emphasize the contemporary features of Indigeneity, as opposed to the archaic, politically backward features of the elite. Looking at Bolivian history, Cusicanqui notes that in many instances, the 19th-century liberal elites were in fact quite archaic, and even pre-capitalist: after formally recognizing Indigenous peoples as equals, the liberal elites aggressively recolonized Indigenous territories "by means of the expropriation of communal lands."<sup>41</sup> By focusing exclusively on the usurpation of Indigenous lands and distancing themselves from commercial and industrial activities, those elites effectively positioned themselves as "a feudal rentist class that was more recalcitrantly colonial" than even their Spanish predecessors from the 16th century.<sup>42</sup> While the elites were busy reproducing and renewing "the colonial condition of the entire society" with their

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<sup>38</sup> Silvia Rivera Cusicanqui, *Ch'ixinakax utxiwa: A Reflection on Decolonizing Practices and Discourses*, trans. Joan Donaghey and ed. Richard Day (Buenos Aires: Tinta Limón, 2010), 43.

<sup>39</sup> *Ibid.*

<sup>40</sup> Cusicanqui, *Ch'ixinakax*, 55–56.

<sup>41</sup> *Ibid.*, 44.

<sup>42</sup> *Ibid.*

“political backwardness and conservatism,” the Indigenous and mestiza populations controlled “fully modern rural-urban networks fully linked to the broader reproduction of capital” that facilitated the circulation of trade.<sup>43</sup> Jumping to the contemporary moment, Cusicanqui points out how Indigenous peoples continue to be on the forefront of modernity, breaking national folklores about their identity through art and music, breaking down borders and creating transnational Indigenous communities through illegal trading of counterfeit items, engaging in experimental, micropolitical ways of living in “countercultural collectives,” and ceaselessly reinventing themselves.<sup>44</sup>

Although Cusicanqui’s discursive characterization of the Indigenous as modern appears to be an empowering response to the liberal multicultural discourse, the practices she outlines do not appear to resolve the tensions between grounded normativity and Indigenous modernity. If anything, it appears that Cusicanqui actually embraces, to an extent, processes of capitalist production in order to claim Indigenous modernity. Such an approach seems consistent with Aaju Peter’s vision of the Inuit as part of the commercial seal hunt.

This leads into the second problem related to whether grounded normativity could be compatible with modern industrial processes. In Coulthard’s view, grounded normativity will always be “antithetical to capitalist accumulation,” but it could be compatible with “contemporary economic ventures” as long as grounded normativity informs Indigenous governance of “non-traditional economic activities.”<sup>45</sup> In more concrete terms, Indigenous political-economic alternatives to capitalist exploitation and accumulation could take the form of a “mix of subsistence-based activities with more contemporary economic ventures,” where traditional manufacturing and harvesting of renewable resources through activities such as hunting, fishing, and trapping are combined with other potentially non-renewable economic activities on communally held land.<sup>46</sup> Taking proposed economic strategies for his homeland of Denendeh, Coulthard suggests that a “contemporary economy committed to the traditional practices” and renewables would be prioritized, but “the exploration and development of Denendeh’s non-renewable resource base might be permitted to continue” only if they guarantee the long-term well-being of the land and people of Denendeh, with revenues directed towards a type of collective heritage fund rather than going to profit-driven developers.<sup>47</sup> One way or another, relations of private property and capitalist extractive accumulation must end in order for Indigenous sovereignty and autonomy to exist.

With all that said, Coulthard recognizes that these visions of Indigenous self-determination would not be possible unless “all of the colonial, racist, and patriarchal legal and political obstacles” blocking Indigenous access to their land are first disman-

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<sup>43</sup> Cusicanqui, Ch’ixinakax, 44–45.

<sup>44</sup> Ibid., 55–56, 63.

<sup>45</sup> Coulthard, Red, 172.

<sup>46</sup> Ibid., 171–172.

<sup>47</sup> Ibid., 74.

tled.<sup>48</sup> However, unlike the situation of an Indigenous majority in Bolivia, Coulthard recognizes that settler colonialism has rendered Indigenous populations “too small to affect this magnitude of change.” As a result, Indigenous peoples are required to establish “relations of solidarity and networks of mutual aid with national and transnational communities and organizations that are also struggling against the imposed effects of globalized capital.”<sup>49</sup> These communities and organizations range include urban Indigenous peoples and organizations, other Indigenous nations and national confederacies, as well as racial and ethnic communities subjected to particular forms of socioeconomic and cultural marginalization, such as labour, women’s, GBLTQ2S (gay, bisexual, lesbian, trans, queer, and two-spirit), and environmental movements.<sup>50</sup>

## **Beyond shallow coalitions: what might a decolonizing solidarity look like?**

Examining seal hunt conflicts using Cusicanqui’s and Coulthard’s decolonizing theories and practices allows me to expand my first argument: that all efforts to defend wild animals and the ecological environment they depend on will most likely fail if settler-colonial capitalist processes of disposessions and destructions are not dismantled. On this point I am inclined to agree with the animal advocates and animal liberationists who recognize the Canadian government’s role in manipulatively using the seal hunt for political gains and as a mechanism to prepare for future resource development expansions into the North. However, given that the animal advocacy NGOs clearly recognize that the mass industrial violence against seals is sponsored by the state through endless subsidies, it seems strategically pointless for them to keep begging for the state to end the hunt to no avail. Instead, their efforts ought to support radical Indigenous endeavours to delegitimize the Canadian state.

The first step to dismantling state-sponsored capitalist violence against seals and the land would require all groups involved in the struggles over the seal hunt to reject the colonial politics of recognition, particularly those groups that truly care about defending wild animal populations and their homes from further threats and destructions in the long run. This would require a radical turning away from the state and ceasing engagement with state institutions, in order to stop legitimizing their violent colonial powers. Currently, all involved groups are trying to convince the EU and/or Canadian government to either end or resuscitate a sealing industry that has practically collapsed. Even though neither the EU nor Canada has shown that they actually care about the well-being of the people who would suffer from the seal hunt collapse or the seals, all groups continue in their attempt to persuade government bodies to recognize

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<sup>48</sup> Ibid., 172.

<sup>49</sup> Ibid., 173.

<sup>50</sup> Ibid.

either the cultural and economic importance of seal hunts, or the immorality of the mass slaughter of seals.

With a capitalist sealing industry at a downfall from which they are unlikely to recover, it seems that possible future directions and political outcomes are wide open. Given my own positioning as a settler on colonized and occupied land and as an outsider to the Inuit community who has not consulted with the Inuit in any capacity, I will share Powell's assumption that the Inuit communities are strategizing in their best interests against settler-colonial attempts at further assimilation and destruction, and thereby refrain from making strategic suggestions for the Inuit communities. Nonetheless, if we take for granted Coulthard's arguments that Indigenous sovereignty and autonomy would be impossible, or at least extremely unlikely without grounded normativity and the death of capitalism, then the consistent conclusion would be for Indigenous peoples to abandon all colonial-capitalist industries, including the commercial seal hunt. In any case, without elaborating more on future options for Inuit communities, I want to instead assume a path towards decolonization, and explore what settler obligations towards the Inuit communities might look like, particularly in the creation of alternative futures to the bigger threats looming on the horizon (i.e. the transition towards non-renewable resource extraction that would further devastate the land, threaten all animals, and undermine Indigenous sovereignty following a seal hunt collapse).

In the concluding section of Powell's article on the seal hunt, he proposes a coalition politic precisely to confront the looming disasters that a transition from the seal hunt to resource extraction would create. With a sense of urgency, Powell argues that at both the global and grassroots levels of the animal advocacy movement, animal advocates need to "understand treaty rights, settler colonialism, and how whiteness and privilege surround issues of animal use."<sup>51</sup> In addition, animal and environmental NGOs and their activists need to be directly consulting and communicating with Inuit communities, instead of always referring back to the Inuit exemption or differences between the hunts.<sup>52</sup> Given that there now exists a low level of trust from the Inuit communities due to the amount of overt racism or unresponsiveness from the animal advocacy movement, Powell suggests there is a desperate need to build trust and meaningful relationships between various groups, in order to prevent the Canadian government from driving further wedges between the groups through the seal hunt.<sup>53</sup>

While I agree with Powell that building relationships is crucial, and that there needs to be much more learning and humility on the part of privileged animal and environmental advocates, I believe that a substantive decolonial or anti-colonial solidarity would demand much more in concrete material terms. Combining Peter's and Cusicanqui's defiant pursuit of Indigenous modernity against racist colonial stereotypes, as well

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<sup>51</sup> Powell, "Animal."

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

as Coulthard's anti-capitalist demands of grounded normativity, I propose that animal and environmental NGOs that are sincerely responsive to colonial injustices should participate in a reparation process to assist Indigenous communities in achieving the combination of both decolonizing practices. It is well known that many international NGOs have accumulated tens if not hundreds of millions of dollars through decades of fundraising, with much of the money contributed by settlers and Europeans who continue to benefit from a history of global imperialism and settler colonization. Since Western NGOs have accumulated their wealth through settler colonialism and imperialism, and arguably even direct cultural exploitations in cases where they have used racist civilizational rhetoric appealing to Western moral exceptionalism to target Indigenous practices, I argue that financial reparations would be a necessary process in building real decolonizing solidarity, beyond lip service and opportunistic coalitions.

The suggestion that NGOs should play a role in reparations to Indigenous communities has in fact already been proposed. In Watson's critique of Greenpeace, he stated that if Greenpeace truly believes they have created harm and hardships for the Inuit communities through their past anti-sealing campaigns, and if Greenpeace was sincerely sympathetic to the Inuit struggles, then "they should do more than apologize with mere hollow words" and should "turn over the tens of millions of dollars and euros" they have raised to oppose sealing to the Inuit communities.<sup>54</sup> Almost a year later in a CBC article, Peter states the same proposal that Greenpeace should compensate the Inuit for the damages they have done, and Greenpeace Canada's executive director Joanna Kerr replies in the same article that compensation is something they would consider.<sup>55</sup>

As Coulthard acknowledges, due to the legacies of settler-colonial genocide and assimilation suffered by many Indigenous groups, rebuilding their nations through decolonization would require solidarity from other movements. The wealthy NGOs that claim to support Indigenous struggles and the defence of animals and the ecology have an opportunity to contribute significantly to self-determining and self-sustaining Indigenous futures as outlined by Coulthard. Reparations could help to tackle issues around food security and transition towards sustainable economies. For example, researchers at the University of British Columbia have been developing greenhouse lighting technologies that would allow food production in Northern climates and begin addressing a food insecurity situation where "a head of cabbage can cost upwards of \$28."<sup>56</sup> While the UBC researchers admit that food insecurity is entrenched in a range of social, cultural, economic, and political factors, technological innovation could nonetheless provide one

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<sup>54</sup> Watson, "I Do Not."

<sup>55</sup> Kieran Oudshoorn, "Greenpeace Should Compensate Inuit for Effects of Anti-Sealing Campaign, Says Activist," CBC News. December 1, 2016, [www.cbc.ca/news/canada/north/greenpeace-should-compensate-over-anti-sealing-campaign-says-activist-1.3875701](http://www.cbc.ca/news/canada/north/greenpeace-should-compensate-over-anti-sealing-campaign-says-activist-1.3875701)

<sup>56</sup> VICE/Munchies, "Canada's Controversial Seal Hunt." Politics of Food, June 28, 2017. [https://video.vice.com/en\\_ca/video/politics-of-food-canadas-controversial-seal-hunt/57d2de3ef82e2002a8072de2](https://video.vice.com/en_ca/video/politics-of-food-canadas-controversial-seal-hunt/57d2de3ef82e2002a8072de2)

piece of the puzzle to confront this problem.<sup>57</sup> In fact, the organization Green Iglu has already begun partnering with Northern Indigenous communities to build dome greenhouses, aimed at “fighting food insecurity in the Arctic by using Growing Dome technology to grow fresh produce in northern communities all year round.”<sup>58</sup> Such projects have tremendous potential to empower remote Northern communities to become food sovereign.

Moreover, plant-based food economies may continue to see exponential growth in both local mainstream settler societies and across the globe in response to changing consumer demands, as more studies continue to prove that plant-based food production and consumption are far more efficient and require significantly lower ecological damage than animal-based foods.<sup>59</sup> A well-established plant-based food production system in the North could effectively prepare Northern Indigenous communities to take advantage of this shift, and better secure sovereignty with respect to both food and economic security. Taking on this transition would also be consistent with Kendra Coulter’s proposed vision of creating more “humane jobs.” For Coulter, employment is humane when it is to the benefit of, and respects the well-being of both humans and animals.<sup>60</sup> Ultimately, however, it should be up to the Indigenous communities receiving reparations to decide for themselves what to do with the money and resources, and all projects must receive their free, prior, and informed consent without covenants partially dictated by the NGOs.

This is the type of area where NGOs could work directly with Indigenous communities and collectively disengage from the colonial state. Assisting Indigenous communities to regain autonomy is critical for future land and ecological defence. Arnaquq-Baril stresses that NGOs should recognize the common objectives they share with the Inuit, because Inuit hunters who live and work on the land are the ones directly battling the most destructive resource extraction industries, fighting seismic testing sponsored by the Canadian government, defending caribou and narwhal calving grounds from mining and shipping operations, and lobbying for whale sanctuaries.<sup>61</sup> Indigenous peoples doing this work should be empowered and supported through reparations rather than undermined through short-sighted campaigns that bring them extra burden.

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<sup>57</sup> Ibid.

<sup>58</sup> Green Iglu, “Our Mission,” accessed March 11, 2019, [www.greeniglu.com/](http://www.greeniglu.com/)

<sup>59</sup> See Alon Shepon, Gidon Eshel, Elad Noor, and Ron Milo, “The Opportunity Cost of Animal Based Diets Exceeds All Food Losses.” *Proceedings of the National Academy of Sciences of the United States of America* 115, no. 15 (2018) doi:10.1073/pnas.1713820115; Joeseeph Poore, and Thomas Nemecek, “Reducing Food’s Environmental Impacts through Producers and Consumers.” *Science (American Association for the Advancement of Science)* 360, no. 6392 (2018): 987–992.

<sup>60</sup> Kendra Coulter, “Humane Jobs: A Political Economic Vision for Interspecies Solidarity and Human-Animal Wellbeing,” *Politics and Animals* 3, no. 1 (2017): 31–41.

<sup>61</sup> Wolfe, “Why.”

## Animal resistance against capitalist domination

To conclude, I will expand my second argument by turning to one of the key missing voices thus far in this entire discussion: the seals themselves. The recognition that animals possess and exercise agency is now gaining wider acceptance in mainstream society as a result of decades of scientific work that has gone into studying and proving the complexities of animal cognitions, emotions, and sociality.<sup>62</sup> Many people now recognize animal subjectivities and cultures, acknowledging that animals have their own interests and that they are intentional beings.<sup>63</sup> Ethological and historical observations of the complex lives of animals across species have also documented instances of how animals resist human attempts to dominate them by fighting back, escaping, or interfering with the exploitation of their bodies and labour in various ways.<sup>64</sup>

In the growing field of critical animal studies, scholars who ground their work in postcolonial or anti-colonial, anti-capitalist, and anti-oppression intersectional theories have expanded on the types of work above to further politicize animal agency and resistance. For instance, citing ethological and historical works, Lauren Corman opposes the idea that animals are merely and always passive, voiceless victims who play no part in their own liberation; while recognizing that they often lack a political voice and thus need human advocates, she challenges the notion that humans alone must speak on their behalf, arguing instead that animals' own resistance and voices should be recognized alongside the humans' who fight on their behalf.<sup>65</sup> Similarly, Sarat Colling productively merges wide-ranging works across ethology, history, and animal geography to develop an "animals without borders" approach to interpret the experiences and representations of animals who challenge human-constructed borders.<sup>66</sup> As a form of animal resistance, animals without borders refer to not only how animals are routinely challenging and dismantling the geographical, physical, and material divisions separating humans and animals, such as walls, fences, private properties, and

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<sup>62</sup> Marc Bekoff, "Cognitive Ethology and the Explanation of Nonhuman Animal Behavior." *Comparative Approaches to Cognitive Science*, edited by J. A. Meyer and H. L. Roitblat (Cambridge; London: MIT, 1995), 119–150; *The Emotional Lives of Animals: A Leading Scientist Explores Animal Joy, Sorrow, and Empathy – and Why They Matter* (Novato, CA: New World Library, 2007).

<sup>63</sup> Jonathan Balcombe, *Pleasurable Kingdom: Animals and the Nature of Feeling Good* (New York: Macmillan, 2007) and *What a Fish Knows: The Inner Lives of Our Underwater Cousins* (New York: Scientific American/Farrar, Straus and Giroux, 2016); Barbara Smuts, "Between Species: Science and Subjectivity." *Configurations* 14, no. 1–2 (2006): 115–126.

<sup>64</sup> Jason Hribal, "'Animals Are Part of the Working Class: A Challenge to Labor History.'" *Labor History*, 44, no. 4 (2003): 443–444; "Animals, Agency, and Class: Writing the History of Animals from Belowm," *Human Ecology Review* 14, no. 1 (2007): 101–113; *Fear of the Animal Planet: The Hidden History of Animal Resistance* (Petrolia and Oakland, CA: CounterPunch and AK Press, 2010).

<sup>65</sup> Lauren Corman, "The Ventriloquist's Burden: Animal Advocacy and the Problem of Speaking for Others." *Animal Subjects 2.0*, edited by Jodey Castricano and Lauren Corman (Waterloo: Wilfrid Laurier University Press, 2016), 486, 496–497.

<sup>66</sup> Sarat Colling, "Animals without Borders: Farmed Animal Resistance in New York" (MA Thesis, Brock University, 2013), 46.



legal or political borders, but also how animals disrupt the ideological divides that conceptualize humans as superior and animals as inferior.<sup>67</sup>

Dinesh Wadiwel presents an alternative approach to animal resistance by directing our attention to the technologies and apparatuses “designed precisely to counter resistance” when animals fight back against human efforts to exploit and kill them.<sup>68</sup> Influenced by the autonomous and operaist Marxist conceptualization of labour’s resistance to systems of production, Wadiwel argues that if animals “were not sentient, autonomous and evaded capture and utilisation in the first place,” then there would be no need for humans to design technologies and weapons aimed at putting down resistance.<sup>69</sup> Examples of these technologies adopted to pacify animal resistance include curved corrals in slaughterhouses designed by renowned animal welfare scientist, Temple Grandin, in order to smooth the process of sending cows to slaughter, as well as the use of dimmed lighting to weaken chickens’ vision and reduce their inclination to struggle against handling by humans or machines.<sup>70</sup> Both Colling’s animals without borders and Wadiwel’s autonomist approaches to animal resistance open up ways for us to imagine how solidarities could be built across species between humans and animals to collectively challenge oppressive ideologies, structures, and institutions dominating all life on Earth.

Although these works are ground-breaking within the academy, many Indigenous cultures have always recognized animal agency as part of their worldviews. For example, Coulthard discusses how within his own Dene community’s language, the word for “land” is “translated in relational terms” to encompass not only the physical land itself, “but also people and animals, rocks and trees, lakes and rivers, and so on.”<sup>71</sup> The Dene worldview understands their people to be “as much a part of the land as any other element,” and that “within this system of relations human beings are not the only constituent believed to embody spirit or agency.”<sup>72</sup> This understanding of humans as merely a part of a complex web of relations as opposed to the master of other elements on the land is an integral part of grounded normativity. As Coulthard explains, the ethical implication of this worldview means that humans have “certain obligations to the land, animals, plants, and lakes in much the same way” that they are obligated to other humans, and that if these obligations were fulfilled, these relations “would reciprocate and meet their obligations to humans” to ensure the mutual survival and flourishing of everyone and everything over time.<sup>73</sup> If we took grounded normativity, anti-capitalist and anti-colonial theorizing around animal resistance, as well as the

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<sup>67</sup> Ibid., 47–48, 52.

<sup>68</sup> Dinesh Joseph Wadiwel, *The War against Animals* (Leiden; Boston, MA: Brill/Rodopi, 2015), 11.

<sup>69</sup> Ibid., 10.

<sup>70</sup> Ibid., 11.

<sup>71</sup> Coulthard, *Red*, 61.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

reimagining of relations with other animals by Indigenous scholars and activists such as Margaret Robinson<sup>74</sup> and Billy-Ray Belcourt<sup>75</sup> into concurrent considerations, their combination would suggest that animal liberation and decolonization are movements that could be reoriented towards what Claire Jean Kim calls “an ethics of mutual avowal, or open and active acknowledgement of connection with other struggles.”<sup>76</sup> With this in mind, I question whether there is room for nonhuman animals to be included as political agents and allies among the broad range of marginalized and struggling groups and communities with whom Coulthard suggests Indigenous peoples build coalitions. In particular, can seals be reframed as political agents and allies in the conflicts discussed above, rather than merely existing as resources for Indigenous or non-Indigenous economies? After all, animals are also victims/survivors/resisters of colonial-capitalist violence who are struggling to survive.

Finally, although the collapse of the seal hunt could be attributed to animal advocacy NGOs reproducing Eurocentric, white supremacist power dynamics to appeal to (racist and hypocritical) settler and European populations, recognizing animal agency means we should not downplay the power in the visibility of the seals’ resistance in their own fight. In videos of the commercial seal hunt recorded by animal advocates, individual seals could be seen attempting to escape or shouting and fighting back against the sealers attacking them. Seals attempting to crawl away into the water for a chance to escape the violence were also observed. The sheer scale of the capitalist industrial slaughter magnifies and multiplies these moments of violence and resistance. When transmitted through mass media, the seals’ fight for their lives becomes a powerful expression of animal agency that obligates ethical responses from human viewers. The economic impact on the commercial seal hunt due to media exposure, in part, also demonstrates why industrial slaughter in Western capitalist animal agriculture is commonly hidden from the sight of consumers and the general public. Any exposure of their mass systematic violence threatens these exploitative industries.

Timothy Pachirat argues that this active concealment of industrial animal slaughter is implemented in part because emotional responses to seeing animal slaughter, such as pity, horror, disgust, and shock, could motivate social and political transformations.<sup>77</sup>

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<sup>74</sup> Margaret Robinson, “Indigenous Veganism: Feminist Natives Do Eat Tofu,” *The Scavenger*, November 14, 2010, [www.thescavenger.net/social-justice-sp-24912/animals/504-indigenous-veganism-feminist-natives-do-eat-tofu-237794.html](http://www.thescavenger.net/social-justice-sp-24912/animals/504-indigenous-veganism-feminist-natives-do-eat-tofu-237794.html); “Veganism and Mi’kmaq Legends,” *Canadian Journal of Native Studies* 33, no. 1 (2013): 189–196; “Animal Personhood in Mi’kmaq Perspective,” *Societies* 4, no. 4 (2014): 672–688; “Is the Moose Still My Brother If We Don’t Eat Him?” *Critical Perspectives on Veganism*, edited by Jodey Castricano and Rasmus R. Simonsen (New York: Palgrave MacMillan, 2016), 261–284.

<sup>75</sup> Billy-Ray Belcourt, “Animal Bodies, Colonial Subjects: (Re)Locating Animality in Decolonial Thought,” *Societies* 5, no. 1 (2015): 1–11.

<sup>76</sup> Claire Jean Kim, *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age* (New York: Cambridge, 2015), 20. Emphasis in original.

<sup>77</sup> Timothy Pachirat, *Every Twelve Seconds: Industrialized Slaughter and the Politics of Sight* (New Haven, CT; London: Yale University Press, 2011), 245, 248.

Pachirat also discusses how animal agriculture industries persistently exert their powers to lobby for legislations (now commonly known as ag-gag laws) that criminalize all “unauthorized physical access to industrialized slaughterhouses, unauthorized visual, audio, and print documentation of what takes place in slaughterhouses, and the possession and distribution of those unauthorized records regardless of who originally produced them.”<sup>78</sup> The long-standing Marine Mammal Regulations (MMR) in Canada include sections specific to the seal industry that serve similar purposes to prevent observation and disruption of the hunts. In February 2015, when the Conservative Party of Canada held a majority in parliament, a bill was passed to amend the MMR to further conceal the sealing industry. Formally known as An Act respecting the Marine Mammal Regulations (seal fishery observation licence), Bill C-555 made substantial amendments to the MMR. Prior to the amendment, individuals who do not possess a seal fishery observation licence issued by the Department of Fisheries and Oceans must maintain a half nautical mile (0.926 km) distance of anyone hunting seals. Bill C-555 increased that distance to one nautical mile (1.85 km) and specify that the Minister issuing the observation licence shall consider whether the applicant aims to disrupt the sealing industry, which effectively bans all animal protection documentations.<sup>79</sup> Pachirat’s analysis of these legislations that serve to conceal animal slaughter and exploitation contradicts and contests Arnaquq-Baril’s assumptions that she shared in a recent interview.

In an episode of VICE Media’s Politics of Food series covering the seal hunt, Arnaquq-Baril shared her view on how the seal hunt could serve as a good influence on other animal exploitation industries:

I would love if other industries that use animals as a resource follow the model of seal hunting, that is done sustainably, that is done ethically, that is done out in the open. I hope that people will see that someday and use it as a model to improve our practices with other animals.

(VICE/Munchies, 2017)

I argue that Arnaquq-Baril has mistakenly assumed that killing openly and transparently would be an answer to sustain the seal hunt—that it would bring about broader acceptance of violence against animals in any form, especially at a commercial or industrial level. Pachirat’s theorizing of how those who profit from killing animals actively distance and conceal their daily work would suggest the contrary, and the damages that the commercial sealing industry has taken from animal advocacy exposés would be consistent with this perspective. Systematic mass killing and exploitation of animals is hidden precisely because the animal exploitation industries need to suppress

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<sup>78</sup> Ibid., 5–8.

<sup>79</sup> Parliament of Canada. “Bill C-555: An Act respecting the Marine Mammal Regulations (Seal Fishery Observation Licence),” June 18, 2015, [www.parl.ca/DocumentViewer/en/41-2/bill/C-555/royal-assent](http://www.parl.ca/DocumentViewer/en/41-2/bill/C-555/royal-assent). Thank you to Tayler Zavitz, who included Bill C-555 in her presentation, “Empathy as Terrorism? The Criminalization of Animal Activism in Canada”, where I learned of the legislation.

the presence, agency, and resistance of animals. One important critique of *Angry Inuk* relates to how the film participates in this suppression of animal subjectivities through the erasure of the seals themselves. In the film, there were no discussions about who the seals are, and no representation of their social, cultural, and emotional lives. In the scenes where they were shown, the seals have been mostly represented as already killed objects of food or commodities, and there was little to no footage or images depicting the realities of the arguably ruthless commercial seal hunt. This is likely in large part because to recognize and acknowledge the subjectivities of seals would be disruptive to a project that seeks to continue exploiting them as mere resources.

I must stress that these critiques and difficult conversations should not impede, but rather assist the urgent need for settler and Indigenous activists to begin building solidarity and establishing mutual understanding and respect. In many ways, the seals have been fortunate in the short run to have those who are privileged enough to take advantage of settler-colonial powers as their main allies in a fight to shut down a brutal industry causing them immediate harm. However, we must keep in mind that existing scientific evidence makes it “incontrovertible that recent extinction rates are unprecedented in human history and highly unusual in Earth’s history,” and “our global society has started to destroy species of other organisms at an accelerating rate, initiating a mass extinction episode unparalleled for 65 million years.”<sup>80</sup> As the entire planet plummets towards worsening climate crises, it is all the more crucial for the animal advocacy movement as a whole to reorient our strategies towards solidarity with Indigenous decolonization efforts and to challenge the most destructive state-sponsored industries, whether resource extraction or animal exploitation.

## References

Balcombe, Jonathan. *Pleasurable Kingdom: Animals and the Nature of Feeling Good*. New York: Macmillan, 2007.

Balcombe, Jonathan. *What a Fish Knows: The Inner Lives of Our Underwater Cousins*. New York: Scientific American and Farrar, Straus and Giroux, 2016.

Bekoff, Marc. “Cognitive Ethology and the Explanation of Nonhuman Animal Behavior.” In *Comparative Approaches to Cognitive Science*, edited by J. A. Meyer and H. L. Roitblat, 119–150. Cambridge and London: MIT, 1995.

———. *The Emotional Lives of Animals: A Leading Scientist Explores Animal Joy, Sorrow, and Empathy – And Why They Matter*. Novato, CA: New World Library, 2007.

Belcourt, Billy-Ray. “Animal Bodies, Colonial Subjects: (Re)Locating Animality in Decolonial Thought.” *Societies* 5, no. 1 (2015): 1–11.

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<sup>80</sup> Gerardo Ceballos, Paul R. Ehrlich, Anthony D. Barnosky, Andrés García, Robert M. Pringle, and Todd M. Palmer, “Accelerated Modern Human-Induced Species Losses: Entering the Sixth Mass Extinction,” *Science Advances* 1, no. 5 (2015): 4.

CBC News. "As Local Fur Demand Rises, Mysterious Drop in Nunavut Seal Harvest." Accessed April 12, 2017. [www.cbc.ca/news/canada/north/as-local-fur-demand-rises-mysterious-drop-in-nunavut-seal-harvest-1.2468737](http://www.cbc.ca/news/canada/north/as-local-fur-demand-rises-mysterious-drop-in-nunavut-seal-harvest-1.2468737).

Ceballos, Gerardo, Paul R. Ehrlich, Anthony D. Barnosky, Andrés García, Robert M. Pringle, and Todd M. Palmer. "Accelerated Modern Human-Induced Species Losses: Entering the Sixth Mass Extinction." *Science Advances*, 1, no. 5 (2015): 1–5.

Chang, Darren. "Reflections on Angry Inuk: White Animal Saviour (Industrial) Complex\* and the Perpetuation of Colonial Domination." March 18, 2017. <https://ecology.iww.org/node/2151>

Colling, Sarat. "Animals without Borders: Farmed Animal Resistance in New York." MA Thesis, Brock University, 2013.

Corman, Lauren. "The Ventriloquist's Burden: Animal Advocacy and the Problem of Speaking for Others." In *Animal Subjects 2.0*, edited by Jodey Castricano and Lauren Corman, 473–512. Waterloo: Wilfrid Laurier University Press, 2016.

Coulter, Kendra. "Humane Jobs: A Political Economic Vision for Interspecies Solidarity and Human-Animal Wellbeing." *Politics and Animals* 3, no. 1(2017): 31–41.

Coulthard, Glen Sean. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. Minneapolis: University of Minnesota Press, 2014.

Cusicanqui, Silvia Rivera. *Ch'ixinakax utxiwa: A Reflection on Decolonizing Practices and Discourses*. Translated by Joan Donaghey. Edited by Richard Day. Buenos Aires: Tinta Limón, 2010.

Dalziel, Jacqueline and Dinesh Joseph Wadiwel. "Live Exports, Animal Advocacy, Race and 'Animal Nationalism.'" In *Meat Culture*, edited by Annie Potts, 73–89. Leiden and Boston, MA: Brill, 2016.

Fink, Sheryl. "Differences between Inuit, Canada's East Coast seal hunts." March 27, 2017. [www.ifaw.org/canada/news/differences-between-inuit-canada%E2%80%99s-east-coast-seal-hunts](http://www.ifaw.org/canada/news/differences-between-inuit-canada%E2%80%99s-east-coast-seal-hunts).

———. "WATCH: Canada's Commercial Seal Hunt: Separating Myth from Fact." April 10, 2017. [www.ifaw.org/canada/news/watch-canada%E2%80%99s-commercial-seal-hunt-separating-myth-fact](http://www.ifaw.org/canada/news/watch-canada%E2%80%99s-commercial-seal-hunt-separating-myth-fact).

Green Iglu. "Home." Accessed March 11, 2019. [www.greeniglu.com/](http://www.greeniglu.com/)

Hribal, Jason. "'Animals Are Part of the Working Class: A Challenge to Labor History.'" *Labor History* 44, no. 4, (2003): 443–444

Hribal, Jason. "Animals, Agency, and Class: Writing the History of Animals from Below." *Human Ecology Review* 14, no. 1 (2007): 101–113.

Hribal, Jason. *Fear of the Animal Planet: The Hidden History of Animal Resistance*. Petrolia and Oakland, CA: CounterPunch and AK Press, 2010.

Kim, Claire Jean. *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age*. New York: Cambridge, 2015.

Nunatsiaq News (Editorial). "Less Symbolism, More Realism Please." Accessed April 12, 2017. [www.nunatsiaqonline.ca/stories/article/9768\\_less\\_symbolism\\_more\\_realism\\_please/](http://www.nunatsiaqonline.ca/stories/article/9768_less_symbolism_more_realism_please/)

Oudshoorn, Kieran. "Greenpeace Should Compensate Inuit for Effects of Anti-sealing Campaign, Says Activist." CBC News. December 1, 2016. [www.cbc.ca/news/canada/north/greenpeace-should-compensate-over-anti-sealing-campaign-says-activist-1.3875701](http://www.cbc.ca/news/canada/north/greenpeace-should-compensate-over-anti-sealing-campaign-says-activist-1.3875701).

Pachirat, Timothy. *Every Twelve Seconds: Industrialized Slaughter and the Politics of Sight*. New Haven, CT and London: Yale University Press, 2011.

Parliament of Canada. "Bill C-555: An Act Respecting the Marine Mammal Regulations (Seal Fishery Observation Licence)." June 18, 2015. [www.parl.ca/DocumentViewer/en/41-2/bill/C-555/royal-assent](http://www.parl.ca/DocumentViewer/en/41-2/bill/C-555/royal-assent).

Poore, Joseph and Thomas Nemecek. "Reducing Food's Environmental Impacts through Producers and Consumers." *Science* (American Association for the Advancement of Science). 360, no. 6392, (2018): 987–992.

Powell, Dylan. "An Animal Liberationist Perspective on #sealfie and the Inuit Seal Hunt." April 2, 2014. <https://dylanxpowell.wordpress.com/2014/04/02/an-animal-liberationist-perspective-on-sealfie-and-the-inuit-seal-hunt/>.

Robinson, Margaret. "Indigenous Veganism: Feminist Natives Do Eat Tofu." *The Scavenger*. November 14, 2010. Accessed May 30, 2018. [www.thescavenger.net/social-justice-sp-24912/animals/504-indigenous-veganism-feminist-natives-do-eat-tofu-237794.html](http://www.thescavenger.net/social-justice-sp-24912/animals/504-indigenous-veganism-feminist-natives-do-eat-tofu-237794.html).

———. "Veganism and Mi'kmaq Legends." *Canadian Journal of Native Studies* 33, no. 1 (2013): 189–196.

———. "Animal Personhood in Mi'kmaq Perspective." *Societies* 4, no. 4 (2014): 672–688.

———. "Is the Moose Still My Brother If We Don't Eat Him?" In *Critical Perspectives on Veganism*, edited by Jodey Castricano and Rasmus R. Simonsen, 261–284. New York: Palgrave MacMillan, 2016.

Shepon, Alon, Gidon Eshel, Elad Noor, and Ron Milo. "The Opportunity Cost of Animal Based Diets Exceeds All Food Losses." *Proceedings of the National Academy of Sciences of the United States of America* 115, no. 15, (2018), doi:10.1073/pnas.1713820115.

Smuts, Barbara. "Between Species: Science and Subjectivity." *Configurations* 14, no. 1–2 (2006): 115–126.

UBC. "A Light in Winter." *Catalyst for Innovation*. January 2017, University of British Columbia. Accessed April 12, 2017. <http://stories.innovation.ubc.ca/catalyst-for-innovation/a-light-in-winter/#sm.00002brxr7o02cqgzc01zdbxckpiu>

VICE/Munchies. "Canada's Controversial Seal Hunt." *Politics of Food*. Season 1 Episode 8. June 28, 2017. [https://video.vice.com/en\\_ca/video/politics-of-food-canadas-controversial-seal-hunt/57d2de3ef82e2002a8072de2](https://video.vice.com/en_ca/video/politics-of-food-canadas-controversial-seal-hunt/57d2de3ef82e2002a8072de2)

Wadiwel, Dinesh Joseph. *The War against Animals*. Leiden and Boston, MA: Brill and Rodopi, 2015.

Watson, Paul. "I Do Not Apologize for Opposing the Slaughter of Seals." January 28, 2016. [www.pamelaandersonfoundation.org/news/2016/1/27/i-do-not-apologize-for-opposing-the-slaughter-of-seals-by-captain-paul-watson](http://www.pamelaandersonfoundation.org/news/2016/1/27/i-do-not-apologize-for-opposing-the-slaughter-of-seals-by-captain-paul-watson)

Wolfe, Judy. "Why Are the Inuit So Angry?" Point of View Magazine. July 6, 2016. <http://povmagazine.com/articles/view/why-are-the-inuit-so-angry>

### 3 Makah whaling and the (non)ecological Indian

Claire Jean Kim

Early in the morning of May 17, 1999, in the Pacific waters off of the northwest tip of Washington State, a three-year-old female gray whale swam up alongside a canoe of Makah hunters, expressing the curiosity that many gray whales show toward humans. Theron Parker, the harpooner, stood up, and launched the first of three harpoons into her back. The hunt was being filmed, and television viewers across the globe watched “as the wounded whale struggled, twisting and zig-zagging, pulling the Makah hunters a short distance, three harpoons lodged in her 30-foot body.” As “bloodied waters swelled outward from the dying whale in crimson waves,”<sup>1</sup> the Makah hunters then shot her three times with a powerful rifle. The last bullet penetrated the gray whale’s brain and killed her. The broadcasting of the hunt prompted both exultation on the part of many Makah and intense expressions of sorrow and outrage on the part of other Makah and non-Makah.<sup>2</sup> Alberta Thompson, a Makah elder who opposed the hunt, named the whale who had been killed “Yabis,” which means “beloved” in the Makah language.<sup>3</sup>

It was the first time that the Makah had successfully hunted a whale in over 70 years. Once legendary whale hunters of the Pacific Northwest Coast, the Makah ceased whaling in the 1920s due, in part, to the depletion of whale populations brought about by European and American commercial whaling. Since that time, international and domestic practice and opinion had largely turned against whaling, so the tribe’s announcement in the mid-1990s that it wished to resume whaling set off a global firestorm that raged from the Makah reservation in Neah Bay to the National Marine Fisheries Service in Washington, DC to International Whaling Commission (IWC) meetings in Europe over what constitutes a subsistence hunting tradition, who owns the seas and living marine resources, the biological and moral status of the gray whale, the cultural rights of Indigenous peoples, and the imperatives of environmental protection. The Makah whale hunt has been the site of intense political, legal, moral, spiritual, and physical struggle from the moment it was proposed in the mid-1990s until today, when,

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<sup>1</sup> Brenda Peterson and Linda Hogan, *Sightings: The Gray Whales’ Mysterious Journey* (Washington, DC: National Geographic, 2002), 148.

<sup>2</sup> The hunt can be viewed at [www.youtube.com/watch?v=cGmc1-fbs5U](http://www.youtube.com/watch?v=cGmc1-fbs5U).

<sup>3</sup> Peterson and Hogan, *Sightings*, 152.



deterred from whaling by legal and bureaucratic obstacles, the Makah wait to hunt again.

In this conflict, race, species, nature, and culture are passionately contested in a discursive-political space defined in part by multiculturalist norms and the values and practices of neoliberal capitalism. Indianness continues to be constituted here in relation to species and nature; claims of tribal identity and culture are both accorded presumptive weight and seen as special pleading against the universalist claims of environmental and animal protection; environmental and animal protection claims, in turn, are cast as racist and imperialist; and the neoliberal instrumentalization of nature as a “resource” proceeds in the face of unspoken collective anxiety about the rightness of this course. But the Makah whaling story also contains many distinctive elements—from the imagining of the “ecological Indian” in U.S. culture; to the special status of the whale as an intelligent mammal and environmental icon; to the vexing tangle of treaty rights, federal law, and international conservation law that contours this dispute; to the highly charged global politics of whaling; to the utterly unique political and legal status of Indigenous peoples as nations rather than minorities within the U.S.

A racial trope of considerable vintage took center stage in the discourse about the conflict. As far back as the 1600s, whites imagined the North American Indian as a constituent part of nature and apart from civilization—and this idea proved remarkably tenacious over the centuries. In the 1970s, in the context of the modern environmental movement, the idea reemerged in the trope of the “ecological Indian,” the Indian who is a natural conservationist, lives simply and virtuously, maintains a spiritual balance with nature, and thus serves as the perfect foil for the Western capitalist, whose greed and rapaciousness leave him severely out of joint with (not to mention a serious threat to) the natural world.<sup>4</sup> In this trope, the culture/nature divide is maintained and the Indian is still identified with nature, but now it is nature not culture that is valorized. The 1971 anti-pollution television commercial featuring Iron Eyes Cody as an Indian weeping over whites’ despoliation of nature exemplified this trope. In the whaling conflict, this trope was evoked by members of the public (and occasionally by environmental and animal protectionists) to castigate the Makah for acting non-ecologically, or betraying their Indianness. That is, the “ecological Indian” trope functioned as a disciplinary tool, essentializing Native Americans (in the guise of lauding them) and erecting a behavioral ideal that was both restrictive and unattainable.

In many ways, the debate over the relationship between Indians and nature was at the heart of the Makah whaling conflict. Native American leaders and scholars regularly assert that “indigenous standpoints” (Tallbear 2011) have something distinctive and important to say about human relations with nonhuman animals and nature, and they argue that Native peoples were practicing “sustainability” long before this ethos

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<sup>4</sup> See Shephard Krech, *The Ecological Indian: Myth and History* (New York: W. W. Norton & Company, 1999) and Paul Nadasdy, “The Gift in the Animal: The Ontology of Hunting and Human-Animal Sociality.” *American Ethnologist* 34, no. 1 (February 2007): 25–43.

surfaced as an 11th hour response to the excesses of neoliberal capitalism (Coté 2010). But they did not therefore embrace the “ecological Indian” trope, the dualistic premises of which are alien to Native American ontologies, which rest on different foundational understandings about humans, animals, and nature than do Western ones (Deloria 2001; Tallbear 2011).

A few environmental and animal protectionists deployed the “ecological Indian” trope against the Makah, but most argued instead for moving beyond the dualisms of culture/nature and human/animal and rejecting the positioning of animals and nature as objects beneath us. For them, recognizing the whale’s subjectivity, understanding human-whale continuities, and respecting the whale logically entailed a prohibition on hunting the whale. But Native American ontologies, which have always viewed humans, animals, and other beings in nature as all animate and all related (non-dualistically), simultaneously recognize the animal’s kinship with the human and the rightness of killing animals for food (Nadasdy 2007). For Native Americans like the Makah, recognizing the whale’s subjectivity, understanding human-whale continuities, and respecting the whale logically allowed for hunting the whale.<sup>5</sup> Makah leaders presented an alternative ontology that sees animals as respect-worthy and important but still edible. Environmental and animal protectionists did not acknowledge or grapple with this different moral and spiritual understanding of human-whale relations, but simply dismissed it. This attempt to erect a Western framework of understanding upon the elision of a Native one elicited the charge of colonial domination from the Makah.

I begin with a historical account of the Makah tribe, gray whales, and the IWC and then tell the story of what happened when the Makah sought to resume whaling in the mid-1990s. Next, I examine the optics of ecological and ethical harm articulated by environmental and animal protectionists, as well as the optic of ecocolonialism articulated by the Makah in response. I then show how animal and environmental activists and Makah activists disavowed each other’s claims and perspectives in the course of political struggle. Here I pause to reflect, first, on the historical relationship of Makah whaling to slavery and sex inequalities within the tribe, and, second, on what it means to consider that gray whales might have their own perspective on the whaling issue. I conclude with a brief discussion of what an ethics of mutual avowal might entail in this case.

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<sup>5</sup> My thanks to Kim Tallbear for insight on these points. See Val Plumwood, “Integrating Ethical Frameworks for Animals, Humans, and Nature: A Critical Feminist Eco-Socialist Analysis.” *Ethics & the Environment* 5, no. 2 (2000): 285–322. For a Western ecofeminist defense of the Native understanding of hunting and David Eaton, “Incorporating the Other: Val Plumwood’s Integration of Ethical Frameworks.” *Ethics & the Environment* 7, no. 2 (2002): 153–180 for a commentary on Plumwood’s argument.

## Histories: the Makah, gray whales, the International Whaling Commission

The Makah are a Native people who have lived on the tip of the Olympic Peninsula for thousands of years (see Figure 3.1). Based upon the neighboring Clallam tribe's description, whites gave them the name "Makah," meaning "generous with food." Their name for themselves is kwih-dich-chuh-ahtX, meaning "people who live on the cape near the rocks and seagulls."<sup>6</sup> The Makah are culturally and linguistically related to the Nuu-Chah-Nulth tribes on western Vancouver Island (just across the Strait of Juan de Fuca), who are First Nations in Canada. As a coastal people whose lands are largely inhospitable to agriculture, the Makah have traditionally lived off of the sea, developing deep local knowledge of the ocean's shelves and currents and skills in fishing and sea mammal hunting.<sup>7</sup>

### Figure 3.1

Archaeological research at the Ozette site, discovered in the 1970s, indicates that for more than 1,500 years, whaling was an integral aspect of Makah life. Whales occupy a central status in Makah religious and spiritual practices, cultural ceremonies, and artwork. The practice of whaling reflected and in turn reinforced social organization and stratification within the tribe. Whaling was the preserve of chiefs or titleholders who owned not only the whaling equipment (canoes, buoys, harpoons) but also the songs and ceremonial rituals that accompanied the hunt. The practice enabled chiefs to amass the resources (including whale meat and whale oil) to hold potlatches—lavish ceremonial feasts where chiefs encouraged the consumption of goods and distributed goods in order to demonstrate and thereby shore up their power and authority. The Makah put almost every part of the whale's body to use in some way, and evidence from the Ozette site suggests that whale products made up more than 80 percent of the tribe's diet at one point.<sup>8</sup>

Whaling was also the key to the Makah's commercial success during the mid-1800s. Although the first contact with Europeans occurred in the late 1700s, it was not until the 1840s that American and European whalers became a significant presence in the waters of the Pacific Northwest. The Makah, who had already established a thriving commerce in whale oil and dogfish oil with neighboring tribes, commenced trading with the Hudson's Bay Company as well, trading up to 30,000 gallons of whale oil a year and becoming one of the wealthiest tribes in the region.<sup>9</sup>

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<sup>6</sup> Charlotte Coté, *Spirits of Our Whaling Ancestors: Revitalizing Makah & Nuu-chah-nulth Traditions* (Seattle: University of Washington Press, 2010), 18.

<sup>7</sup> Coté, *Spirits*.

<sup>8</sup> *Ibid.*, 12.

<sup>9</sup> Robert Miller, "Tribal Cultural Self-Determination and the Makah Whaling Culture," *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination*, edited



Makah Reservation, Neah Bay, Washington.

The arrival of whites brought short-term enrichment but long-term immiseration. By the mid-1800s, the colonization process which had begun centuries earlier on the Eastern seaboard of the U.S. had reached the Pacific. The Indian Removal Act of 1830 had forced Native American tribes from the southeastern U.S. to move west of the Mississippi River, and the U.S. government was setting up a system of reservations upon which to relocate them. In this context, Governor Isaac Stevens of the Washington Territory sat down with Makah elders to negotiate the Treaty of Neah Bay in 1855. In this treaty, the Makah ceded most of their lands, accepted the establishment of a reservation at Neah Bay of approximately 27,000 acres, received sums of money, and agreed to various regulations banning slavery, the sale of alcohol, and other practices on the reservation.<sup>10</sup> Historical accounts make it clear that the Makah were intent upon preserving their fishing, whaling, and sealing rights and that they received assurances from Governor Stevens' aides that the U.S. would support these.<sup>11</sup> Makah Chief Stecowilth stated memorably, "I want the sea. That is my country."<sup>12</sup> Article IV of the Treaty of Neah Bay states: "The right of taking fish and of whaling or sealing at usual and accustomed grounds and stations is further secured to said Indians in common with all citizens of the United States." The Treaty of Neah Bay is the only Native American treaty with the U.S. government that explicitly secures the right to whale.

Despite its assurances, the U.S. government set out to radically restructure Makah society. The story is tragically reiterative of the histories of other Native American tribes. The plan was to forcibly assimilate the Makah into American society, which first required the strategic eradication of all markers of difference—that is, of Makah language, religion, and culture. Colson (1953) writes: "The policy was one of wholesale transformation, or the substitution of one entire way of life for an alien one."<sup>13</sup> To this end, U.S. government representatives set up a boarding school for Makah children in 1874. Attendance was compulsory, and parents were jailed if they resisted sending their children. At the school, children were forbidden to wear traditional dress or speak the Makah language. For ten months of the year, they were relentlessly indoctrinated into believing that all things Makah were backward and pagan, and that Christianity and English were the keys to salvation.<sup>14</sup>

U.S. government agents took other steps to dismantle Makah society and rebuild it in their own image. They instituted a system of elected tribal government. They encouraged the destruction of the wooden longhouses where Makah kin groups lived

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by Joanne Barker (Lincoln: University of Nebraska Press, 2005), 127. Also see Ann Renker, "Whale Hunting and the Makah Tribe: A Needs Statement," May 2012.

<sup>10</sup> [www.fws.gov/pacific/ea/tribal/treaties/MAKAH\\_1855.pdf](http://www.fws.gov/pacific/ea/tribal/treaties/MAKAH_1855.pdf).

<sup>11</sup> Coté, *Spirits*.

<sup>12</sup> Peterson and Hogan, *Sightings*, 121.

<sup>13</sup> Elizabeth Colson, *The Makah Indians: A Study of an Indian Tribe in Modern American Society* (Minneapolis: University of Minnesota Press, 1953), 12.

<sup>14</sup> Coté, *Spirits*.

and the construction of single-family homes in their place. They tried to stamp out potlatches, which they viewed as heathen rituals hampering assimilation. Instead of providing fishing and hunting equipment as promised, they distributed agricultural equipment. Hunters and fishermen had to be turned into farmers because agriculture was the foundation of civilization (even if the topography of the area did not support agriculture). The barbaric savage would be made Christian and civilized whether he wished this or not.<sup>15</sup> By and large, he did not wish this. The Makah continued to speak to their children in the Makah language and to teach them about their history and culture. They engaged in potlatches under the creative cover of Christian rituals like Christmas or in physical sites (e.g., Tatoosh Island) free of government supervision.<sup>16</sup> They accepted the agricultural equipment and transformed it into whaling equipment.<sup>17</sup>

Despite these forms of resistance, Makah society experienced significant political, social, and cultural disruption. The imposition of elected government and policies of cultural suppression (including the suppression of the potlatch) weakened the authority of titleholders:

[T]he Indian agents' attempts to displace the authority, and consequently diminish the acquisition of wealth that accompanied chiefly positions, including that of the titled men who once carried out the whale hunt, took its toll on the community's recognition of traditional leadership.<sup>18</sup>

Diseases introduced by whites—including smallpox, influenza, and tuberculosis—devastated the Makah population during the mid- to late-1800s, accelerating social change and disrupting the passing on of cultural knowledge and “proprietary rights regarding ownership of dances, songs, and other ceremonial and economic privileges.”<sup>19</sup> By 1890, such diseases had reduced the Makah population by 75 percent.<sup>20</sup>

With lines of traditional authority and cultural transmission interrupted, whaling became more difficult, and many Makah turned to sealing. The rise of commercial pelagic sealing in the 1860s enabled many Makah to thrive selling furs, working as laborers on sealing vessels, and occasionally purchasing and operating such vessels themselves. By 1875, sealing was the tribe's principal source of income.<sup>21</sup> In sealing, commoners could make a living on their own, no longer dependent upon a chief who controlled access to resources.<sup>22</sup> The changing Makah social structure, that is, made

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<sup>15</sup> Miller, “Tribal Cultural.”

<sup>16</sup> Côté, *Spirits*. Colson, *The Makah*, mentions that the Makah reproduced the potlatch in the guise of Christmas.

<sup>17</sup> Côté, *Spirits*; Renker, “Whale.”

<sup>18</sup> U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Northwest Region, Draft Environmental Impact Statement for Proposed Authorization of the Makah Whale Hunt (May 2008) (hereafter DEIS), 3-236.

<sup>19</sup> Renker, “Whale,” 41.

<sup>20</sup> *Ibid.*, 40.

<sup>21</sup> DEIS, 3-235.

<sup>22</sup> Côté, *Spirits*.

whaling more difficult and sealing more plausible. In the 1890s, the combination of faltering seal populations and new government regulations on sealing prompted the Makah to return to whaling and other forms of fishing, but the alteration in the social structure that whaling had depended upon and reinforced, as well as the steady depletion of whale populations due to European and American commercial hunting, led the Makah to gradually cease whaling by the 1920s.

In 2010, the population of the Neah Bay reservation was 1414, 75 percent of whom were Makah tribal members. Another 1512 Makah tribal members lived off of the reservation.<sup>23</sup> The Makah Tribal Council is the governing body and consists of five members who are elected for staggered three-year terms.<sup>24</sup> Commercial fishing and timber are current mainstays of the tribe's economy, as well as tourism and sport fishing.<sup>25</sup> As a result of extensive litigation in the 1970s, the tribe co-manages various fisheries with the state and other entities and gets a direct allocation of various kinds of fish (including halibut and black cod/sablefish) every year.<sup>26</sup> The decline of the Pacific Northwest timber industry and salmon fisheries in the past few decades has impacted the tribe's economic welfare, however, and poverty, unemployment, drug abuse, and alcoholism are all notable problems on the reservation. Per capita income on the reservation in 2007 was \$11,030, compared with \$21,587 for all Americans, and the unemployment rate was 51 percent (this figure climbs even higher in the winter season). Almost 40 percent of reservation households are below the federal poverty line.<sup>27</sup> Makah Tribal Council members say they are a people in crisis and claim that whaling will restore tribal unity and pride, promote social cohesion, and reinvigorate their culture.

Gray whales pass through the Makah usual and accustomed hunting grounds twice a year on their famed migrations along the Pacific coast between their birthing lagoons in Baja Mexico and their summer feeding grounds in the Bering and Chukchi Seas off of Alaska (see Figure 3.2). They are uniquely vulnerable to human activity because they inhabit and migrate through shallow coastal waters. Human-related threats to their survival include ship strikes, fishing nets, pollution, global warming and its impact upon their prey, oil and gas exploration, military activities, and hunting. One-third of calves do not survive their first year and the momentous migration northward.<sup>28</sup> Our ability to narrate the history of gray whales—and “scientifically manage” their populations—is compromised by the fact that scientific knowledge about them is provisional, incomplete, and vigorously contested.

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<sup>23</sup> Renker, “Whale.”

<sup>24</sup> According to the constitution and by-laws adopted by the Makah tribe in 1936 following the passage of the Indian Reorganization Act.

<sup>25</sup> DEIS, 3-184.

<sup>26</sup> DEIS, 3-193.

<sup>27</sup> Renker, “Whale,” 62, 64.

<sup>28</sup> Peterson and Hogan, Sightings, 27.

Figure 3.2



Gray Whale Migration Route, Mexico to Alaska.



*Eschrichtius robustus* is a species of baleen whale whose members grow to between 36 and 50 feet long, weigh between 16 and 45 tons, and may live as long as 80 years.<sup>29</sup> They feed in shallow coastal waters by scraping the mud bottom and using their baleen to filter out their prey, which consists of benthic and epibenthic invertebrates such as amphipods, decapods, mollusks, sponges, and shrimp. They also consume pelagic prey such as crab larvae and herring eggs and larvae.<sup>30</sup> Like other whales, grays evolved from land mammals who returned to the sea about 50 million years ago.<sup>31</sup>

Recent studies of closely related species, as well as behavioral studies of grays themselves, suggest that gray whales are intelligent mammals with cognitive abilities, emotional lives, and social relations. A 2006 study of other baleen whales (the humpback and finback) and toothed whales, conducted at the Mount Sinai School of Medicine, reported that these whales had, on a parallel track, evolved brain structures similar to our own, with specialized neurons called spindle cells which are linked to self-awareness, linguistic expression, compassion, and other traits. The study argued that these whales “exhibited complex social patterns that include intricate communication skills, coalition formation, cooperation, cultural transmission and tool usage.”<sup>32</sup> Many scientists argue that cetaceans’ large brains indeed “evolved to support complex cognitive abilities.”<sup>33</sup> Odontocetes (toothed whales), in particular, have large brains relative to body size because they hunt for food in groups, which requires highly developed social and communication skills. Although the evidence of cognitive abilities and social relations is stronger for odontocetes (toothed whales) than for mysticetes (baleen whales), Simmonds (2006) notes that the latter are understudied and that recent studies on minke whales suggest that “the behavior of baleen whales may be more complex than previously thought.”<sup>34</sup> Swartz (1986) points out that gray whales give care to unrelated calves and help injured companions, behaviors which suggest significant cognitive, emotional, and social abilities:

[O]n the Arctic feeding grounds, it was common for a second whale to remain with a harpooned one. In one instance, a harpooned pregnant female was supported at the surface by a second pregnant female that put her head and tail under the animal.<sup>35</sup>

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<sup>29</sup> [www.nmfs.noaa.gov/pr/species/mammals/cetaceans/graywhale.htm](http://www.nmfs.noaa.gov/pr/species/mammals/cetaceans/graywhale.htm).

<sup>30</sup> DEIS, 3-62.

<sup>31</sup> Peterson and Hogan, Sightings, 15.

<sup>32</sup> Charles Siebert, “What Are the Whales Trying to Tell Us?” *The New York Times Magazine*, July 12, 2009, 35, citing a study published in *Anatomical Record* in November 2006.

<sup>33</sup> Lori Marino, et al., “Cetaceans Have Complex Brains for Complex Cognition.” *PloS Biology* 5, no. 5 (May 15, 2007). [www.plosbiology.org/article/info%3Adoi%2F10.1371%2Fjournal.pbio.0050139](http://www.plosbiology.org/article/info%3Adoi%2F10.1371%2Fjournal.pbio.0050139).

<sup>34</sup> Mark Peter Simmonds, “Into the Brains of Whales.” *Applied Animal Behaviour Science* 100 (2006): 103.

<sup>35</sup> Steven Swartz, “Gray Whale Migratory, Social and Breeding Behavior.” Report of the International Whaling Commission (Special Issue 8) (1986): 222.

Gray whales used to live in the Atlantic Ocean as well as the Pacific, but they were hunted to extinction in the Atlantic by the end of the 1600s.<sup>36</sup> They were very nearly driven to worldwide extinction by commercial whalers in the 1800s. Captain Charles Scammon's discovery in 1858 that gray whales return every year to birthing lagoons in Mexico led to the intensive slaughtering of whales there and sent the population numbers of gray whales plummeting. Scammon went after calves, knowing that gray whale mothers would come in close to try to protect their young. By the late 1930s, gray whale numbers were estimated at 1,500 worldwide, down from tens of thousands prior to the advent of commercial whaling.<sup>37</sup> In 1937, in recognition of the gray whale's dire situation, an international agreement on the regulation of whaling banned the commercial hunting of gray (and right) whales, with an exception for aboriginal hunting. Both the ban and the aboriginal exception were continued under the 1946 International Convention on the Regulation of Whaling (ICRW), the agreement which established the IWC. In the 1970s, the U.S. extended the species additional protections by passing the Marine Mammal Protection Act of 1972, which prohibits the "taking" of marine mammals (with various exceptions), and listing the gray whale as an endangered species under the Endangered Species Act of 1973. Enacted in 1986, the IWC's moratorium on commercial whaling, again with an aboriginal exception, also protects gray whales.

Today, there are two surviving populations of gray whales: the Western North Pacific gray whale and the Eastern North Pacific gray whale (ENP). The Western gray lives along the coasts of Russia, Japan, Korea, and China, whereas the Eastern gray lives along the coasts of Mexico, the U.S., and Canada (see Figure 3.3). The official stance of the U.S. National Marine Fisheries Service (NMFS) is that these are two genetically distinct populations with separate migratory routes and feeding and breeding grounds. When the NMFS advised the U.S. Fish and Wildlife Service to delist the gray whale in 1994—the governmental move that opened the door to the resumption of Makah whaling—it stated that the Eastern North Pacific gray whale had rebounded to a healthy population size of more than 20,000, whereas the Western gray whale remained critically endangered at a population size of 100–200, and recommended delisting only the former. However, scientists have recently discovered that "at least some individuals from summer feeding grounds utilized by the endangered western stock migrate across the Pacific and into areas used by ENP gray whales," suggesting that the two populations may not be as distinct as previously thought.<sup>38</sup> The possible implications of these studies for the scientific management of gray whales are significant enough that the NMFS cited them in May 2012 as one reason they had decided to discard the 2008 Draft Environmental Impact Statement (DEIS) on the proposed

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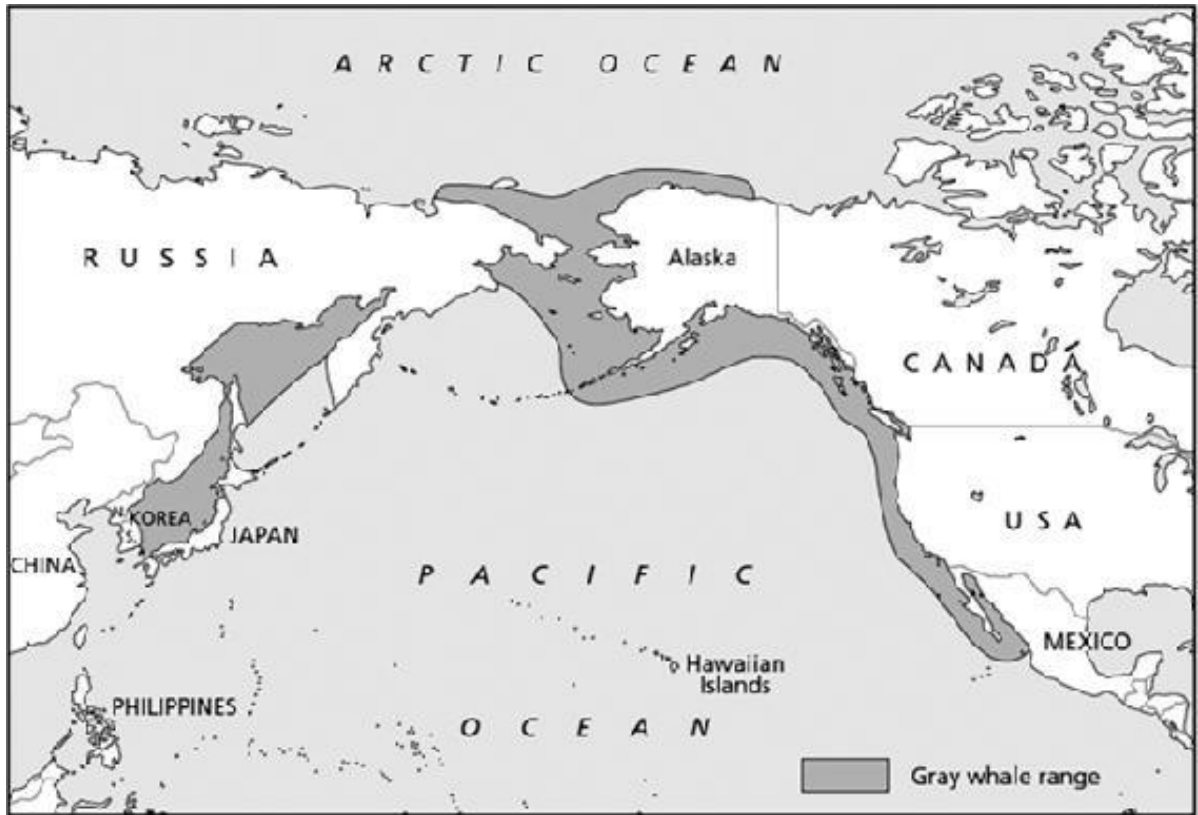
<sup>36</sup> DEIS, 3-58.

<sup>37</sup> DEIS, 3-71.

<sup>38</sup> U.S. Department of Commerce, National Oceanic and Atmospheric Administration, "Notice of Intent to Terminate the Existing Draft Environmental Impact Statement and Prepare a New Environmental Impact Statement." Federal Register /Vol. 77, No. 98/Monday, May 21, 2012/Notices, 29968.

Makah whale hunt and start the environmental impact assessment process over again. (It is ongoing at the time of this writing.)

**Figure 3.3**



Ranges for Western North Pacific and Eastern North Pacific Gray Whales.

Another reason given by the NMFS for discarding the DEIS also had to do with emergent data and scientific uncertainty. ENP gray whales engage in the longest bi-annual migration of any mammal, traveling up to 12,000 miles round trip from Baja Mexico to the Bering and Chukchi Seas in the spring, and back again in the fall. Each year, a small group of gray whales (approximately 200 individuals) does not travel all the way north to Alaska in the spring but instead chooses to spend the summer feeding in waters from Northern California to Northern British Columbia (an area that includes the Makah usual and accustomed fishing and hunting grounds). Scientists cannot explain why this subgroup of whales makes this decision, whether and to what extent these whales are distinguishable genetically or otherwise from whales who migrate all the way north to Alaska, or why the composition of this group

varies to some degree but not wholly from year to year. What is certain is that the project of characterizing and understanding these whales has high political stakes. NMFS scientists call these whales the Pacific Coast Feeding Aggregation or Group (PCFA or PCFG) and emphasize that their composition varies somewhat annually, while whale advocates call them “resident” whales, speak of their “site fidelity,” note that some have returned every year for 25 years, and emphasize their individual identities (to the extent these are known through photo identification and other techniques). Continuing uncertainty about these whales is cited by the NMFS as another reason why they began the environmental impact review process anew in 2012: “In 2010 and 2011, researchers studying the genetics of ENP and PCFG whales found evidence of population substructure indicating that PCFG whales may warrant consideration as a separate management unit.”<sup>39</sup>

Like the California Fish and Game Commission, the NMFS claims to base all of its decisions in gray whale management on the “best available” science, a phrase that hints at the provisional nature of this science even while sanctifying it sanctifies it. In fact, the incompleteness and contingency of gray whale science is a pivotal part of the Makah whaling story. Scientists have been unable to explain, for instance, either the precipitous increase in gray whale deaths in 1999–2000, when strandings on the West Coast increased sevenfold, or the significant drop in calf production from 1999 to 2001.<sup>40</sup> The NMFS formed a special working group on the strandings, which it termed an “unusual mortality event,” but the group could not provide a definitive explanation for the phenomenon, instead citing a number of possible factors such as starvation due to unavailability of prey brought about by global warming.<sup>41</sup> Although strandings have diminished and calf production has rebounded, opponents of Makah whaling have pointed to these issues as evidence of the fragility of the gray whale population and the insufficiency of the “best available” science on this species.

The NMFS held fast to its overall population estimates for the gray whale through the delisting process and the environmental assessment of the Makah hunt, claiming that gray whales’ “historical abundance” or population before commercial hunting was between 15,000 and 24,000, and that their current population estimate of more than 20,000 indicates their full recovery, thereby justifying their delisting.<sup>42</sup> In 1991, the NMFS proposed delisting the ENP gray whale (but not the Western gray)

based on evidence that this [ENP] stock has recovered to near its estimated original population size and is neither in danger of extinction throughout all or a significant portion of its range, nor likely to again become endangered

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<sup>39</sup> Ibid.

<sup>40</sup> Peterson and Hogan, *Sightings*, xvi.

<sup>41</sup> DEIS, 3-103, 3-107.

<sup>42</sup> DEIS, 3-70, 3-71, 3-108.

within the foreseeable future throughout all or a significant portion of its range.<sup>43</sup>

The Fish and Wildlife Service approved delisting on June 16, 1994, accepting the NMFS' claims that the current population of ENP whales is close to historic abundance and that the ENP and Western grays are wholly separate stocks. Both of these claims are, in fact, based on uncertain and contested science. Recent research by Alter et al. (2007), based upon genetic analysis of whale meat sold in Japanese markets, suggests that the historical abundance of gray whales may have been as high as 100,000, which casts the current population estimate of more than 20,000 and the delisting decision in an entirely new (and less favorable) light.<sup>44</sup> In their DEIS on the Makah hunt, the NMFS mentions the work of Alter et al. (2007) but dismisses it and stands by its original calculations of historical abundance.<sup>45</sup> Nevertheless, estimates of the historic population of gray whales remain highly contested among scientists.<sup>46</sup>

Biologists are not the only scientists perplexed by gray whales. For decades, this species has presented ethologists with a fascinating behavioral puzzle. In the birthing lagoons of Baja Mexico, locals have named gray whales "Las Ballenas Amistosos" or "friendly whales." Friendlies, mothers who bring their calves right up to small whale-watching boats to be petted and adored by humans, often bear harpoon scars which indicate that they have encountered human hunters (probably Inupiat Eskimos). Why do whales who have had such experiences choose to approach humans and even encourage contact between their calves and humans? On a whale-watching excursion in Western Baja's Laguna San Ignacio, author Charles Siebert asked HSUS marine mammal biologist Toni Frohoff if the whales were possibly expressing forgiveness. Frohoff responds:

Those are the kinds of things that for the longest time a scientist wouldn't dare consider. But thank goodness we've gone through a kind of cognitive

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<sup>43</sup> U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, "Endangered Fish and Wildlife; Gray Whale." Federal Register /Vol. 56, No. 226/Friday, November 22, 1991/Notices, 58869.

<sup>44</sup> S.E. Alter et al., "DNA Evidence for Historic Population Size and Past Ecosystem Impacts of Gray Whales." *Proceedings of the National Academy of Sciences* 104 (2007): 15162–15167. The impressive genetic diversity discovered suggests that the historic population of gray whales in the Pacific could have been up to three to five times higher than previously believed. See Alter et al., "Have Gray Whales Recovered From Whaling?" *Lenfest Ocean Program Research Series*, August 2007, [www.stanford.edu/group/Palumbi/PNAS/LenfestRS.pdf](http://www.stanford.edu/group/Palumbi/PNAS/LenfestRS.pdf).

<sup>45</sup> DEIS, 3-71. Here the NMFS mentions Alter et al. "DNA," and suggests that because the study's calculations of historic abundance included both western and eastern stocks and because carrying capacity may have declined over time, the study does not alter the NMFS' position on historic abundance and the advisability of delisting of the ENP.

<sup>46</sup> Nicholas Pyenson and David Lindberg, "What Happened to Gray Whales during the Pleistocene? The Ecological Impact of Sea-Level Change on Benthic Feeding Areas in the North Pacific Ocean." *PloS ONE* 6, no. 7 (July 6, 2011). [www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0021295](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0021295).

revolution when it comes to studying the intelligence and emotion of other species. In fact, I'd say now that it's my obligation as a scientist not to discount that possibility. We do have compelling evidence of the experience of grief in cetaceans; and of joy, anger, frustration and distress and self-awareness and tool-use; and of protecting not just their young but also their companions from humans and other predators. So these are reasons why something like forgiveness is a possibility. And even if it's not that exactly, I believe it's something...I'd put my career on the line and challenge anybody to say that these whales are not actively soliciting and engaging in a form of communication with humans, both through eye contact and tactile interaction and perhaps acoustically in ways that we have not yet determined.<sup>47</sup>

The whale watchers in San Ignacio experience not only the whale's subjectivity—the sense, in ethologist Barbara Smuts' words, of looking in an animal's eyes and realizing there is “someone home”—but a moment of interspecies intersubjectivity. A moment of mutual beholding, where whale and human regard one another and say something to one another. Many remark upon the singular experience of being beheld as the whale turns on her side beside the boat and opens her eye to observe them.

The gray whale was pulled back from the brink of extinction in the mid-20th century by international conservation law. As mentioned above, the International Convention for the Regulation of Whaling (1946) continued an earlier international agreement to protect grays from commercial hunting, with an aboriginal exception. The ICRW created the IWC, whose original mission was not to protect whales per se but rather “to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry.”<sup>48</sup> The IWC wanted to conserve whales, in other words, so that there would be enough of them to hunt. There is little doubt that signatory nations viewed whales instrumentally, as means to human ends: until 1972, national whaling quotas were allocated in BWUs (blue whale units), with one BWU equaling two fin whales, 2.5 humpback whales, or six Sei whales. The whale was not an individual animal but a number of units of whale—a measurable commodity with a set exchange value. From the 1940s through the 1960s, the IWC set whaling quotas higher than its own Scientific Committee recommended, ignoring the latter's warnings that several whale species were headed toward extinction.<sup>49</sup>

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<sup>47</sup> Siebert, “What Are the Whale,” 35.

<sup>48</sup> International Convention for the Regulation of Whaling, December 2, 1946, 161 United Nations Treaty Series 72. Today, the IWC maintains the Schedule, a program which regulates whaling through the maintenance of the commercial moratorium and the issuing of quotas for aboriginal subsistence whaling. The IWC also coordinates and funds conservation work and research. As of October 2012, it had 89 member nations. See <http://iwcoffice.org/history-and-purpose>.

<sup>49</sup> William Burns, “The International Whaling Commission and the Future of Cetaceans: Problems and Prospects.” *Colorado Journal of International Environmental Law & Policy* 8 (1997): 31–88.

Beginning in the 1970s, however, the body slowly but perceptibly adopted a more protectionist tone toward whales. To begin with, the U.S. turned decisively toward protectionism. Responding to domestic pressure from environmental and animal protection groups, the U.S. government placed several whale species on the newly created endangered species list and passed the Marine Mammal Protection Act (1972) prohibiting the “taking” of marine mammals domestically. Congress passed the Pelly (1971) and Packwood-Magnuson (1979) amendments to create more leverage for the U.S. to persuade noncompliant nations to abide by international conservation programs and ICRW regulations.<sup>50</sup> At the annual IWC meetings, the U.S. unsuccessfully proposed a global moratorium on commercial whaling in 1972, 1973, 1974, 1979, 1980, and 1981. Finally, in the early 1980s, a number of non-whaling nations joined the IWC, creating the three-fourth supermajority needed to approve the moratorium in 1982.<sup>51</sup> The international body that had been created to protect whales for the whaling industry was now protecting whales from the whaling industry.

The implementation of the moratorium on commercial whaling in 1986 did not end the battle between pro- and anti-whaling nations in the IWC; it merely shifted the terrain. Several nations including Norway, Iceland, and Japan lodged objections to the moratorium, although Japan later withdrew its objection because of pressure from the U.S. government. Under IWC regulations, a member nation which lodges an objection to the body’s decision can flout that decision with impunity, and Norway and Iceland have since resumed commercial whaling.<sup>52</sup> Pro-whaling nations have also sought to exploit the moratorium’s two exceptions—for aboriginal subsistence whaling (ASW) and for “scientific research”—all the while shrugging off condemnation from the IWC and environmental and animal protection organizations worldwide. Japan has continued commercial whaling under the “scientific research” exception, claiming that it needs to kill whales to advance scientific knowledge. It has also argued continuously since the moratorium was enacted that what it calls STCW (small type coastal whaling), traditional hunting conducted with hand implements by coastal villagers, should be considered aboriginal subsistence whaling and thus permitted. Indeed, Japan has accused the U.S. and other anti-whaling nations of having a discriminatory “double standard” when it comes to the ASW exception.<sup>53</sup> In addition, pro-whaling nations

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<sup>50</sup> The Pelly Amendment (1971) gives the president authority to ban the importation of fish products from a nation contravening international fishery conservation programs. The Packwood-Magnuson Amendment (1979), passed because the Pelly sanctions process proved unwieldy, reduces a nation’s fishing quota within U.S. waters by at least 50 percent if it is acting to diminish the effectiveness of the International Convention for the Regulation of Whaling. See Alma Soongi Beck, “The Makah’s Decision to Reinstate Whaling: When Conservationists Clash with Native Americans over an Ancient Hunting Tradition.” *Journal of Environmental Law and Litigation* 11 (1996): 359–412, on why these amendments have been relatively ineffective.

<sup>51</sup> Beck, “Makah’s Decision.” The moratorium went into effect in 1986, with exceptions for scientific research and aboriginal subsistence whaling (ASW).

<sup>52</sup> Beck, “Makah’s Decision.”

<sup>53</sup> DEIS, 3-331.

have fought assiduously to overturn the moratorium within the IWC. The IWC has become a case study of an international organization struggling without enforcement powers to maintain compliance among member states to a global conservation regime. The moratorium is helping whale populations to recover, but it is a fragile and ongoing accomplishment, vulnerable to being overturned or rendered irrelevant by noncompliance. When the Makah signaled their eagerness to resume whaling in the mid-1990s, their story intersected explosively with this global political battle over whaling.

## **The Makah whale again: scientific and legal uncertainties**

Interest in Makah culture and history was reinvigorated in the 1970s by the discovery of the Ozette site—a Makah village located 30 miles from Neah Bay that had been buried by a mudslide hundreds of years ago. The artifacts at Ozette, which turned out to be one of the most important archaeological finds in Pacific Northwest history, confirmed the historical centrality of whaling to Makah life and generated excitement within the tribe about this practice. The larger political environment in the region and the nation was also conducive to tribal revival. During the 1950s and 1960s, the Makah and other Northwest Coast tribes had been involved in extensive litigation to defend their treaty fishing rights, culminating in the favorable “Boldt” decision of 1974, which imposed a conservation necessity test on state regulation of tribal fishing and guaranteed tribes 50 percent of the harvestable fish in their usual and accustomed fishing grounds.<sup>54</sup> As part of this struggle, the Makah and other tribes had organized “fish-ins,” modeled on the sit-ins of the then-emergent civil rights movement. By the 1970s, movements were flowering within Black, Chicano, Puerto Rican, Asian American, and Native American communities across the nation. Liberation, self-determination, and sovereignty were the principles of the era. In this context, insistence on their right to whale came to be read by many Makah as an assertion of sovereignty and a rebuke to the failed designs of white colonialism.

Discussions about whaling percolated within the Makah tribe and in the 1980s, the Makah, along with other Northwest Coast tribes and fisheries, approached the NMFS about delisting the gray whale. Beck (1996), based on an interview with Makah Fisheries Director Dan Greene, writes that “from 1987 to 1993, [the Makah] were closely involved with NMFS’s eventual 1993 recommendation to the U.S. Fish and Wildlife Service (FWS) for de-listing the gray whale from the Endangered Species list, approved by FWS in 1994.”<sup>55</sup> This was the first step on a long journey through the intricacies of U.S. and international regulations relating to whaling, and the Makah brought to this process “political savvy gleaned from decades of experience with legal and political

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<sup>54</sup> U.S. v. Washington, 384 F. Supp. 312, 1974, U.S. Dist. Court. See also Coté, *Spirits*.

<sup>55</sup> Beck, “Makah’s Decision,” 377.



struggles through courts and directly with NMFS officials on issues involving fishing rights.”<sup>56</sup>

This early Makah involvement in delisting the gray whale was behind the scenes and largely off the record, it seems, since neither the Makah tribe nor the NMFS acknowledges it in the official documents they have produced concerning the delisting process and the subsequent tribal proposal to resume whaling. The official record of the NMFS indicates only that the agency received a 1991 petition for delisting from the Northwest Indian Fisheries (of which the Makah are a part) and that the NMFS disregarded the petition since the delisting process was already well underway.<sup>57</sup> The Makah tribe, for its part, implies that it was not involved in lobbying the NMFS for delisting and that it waited patiently until the NMFS acted of its own accord: “Once NOAA determined that the protections of the Endangered Species Act were no longer necessary, the Tribe notified NOAA that it wished to reinstate a ceremonial and subsistence gray whale hunt.”<sup>58</sup> Just as the NMFS wants to present its decision making as neutral and insulated from political pressure—based on the “best available science”—so, too, does the Makah tribe want to present its actions as environmentally sensitive. It would not enhance the tribe’s image to be seen as pushing the NMFS to delist the gray whale for the sake of resuming the hunt.

Once the ENP grays were delisted, the Makah pressed the NMFS for permission to whale, and the U.S. government agreed to request a quota for the Makah under the ASW exception at the 1996 IWC meeting.<sup>59</sup> Although they came under immediate fire from whaling opponents at home and abroad, U.S. officials interpreted the government’s historic trust responsibility toward the Makah as mandating this action. This trust responsibility toward Native American tribes was first articulated in *Cherokee Nation v. Georgia* (1831) and *Worcester v. Georgia* (1832), wherein Chief Justice John Marshall held that tribes were “domestic dependent nations,” that their relationship to the state was that of ward to guardian, and that all three branches of the U.S. government had a fiduciary obligation to protect and support them.<sup>60</sup> In the modern era,

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<sup>56</sup> *Ibid.*, 376.

<sup>57</sup> U.S. Department of Commerce, National Oceanic and Atmospheric Association, National Marine Fisheries Service, “Endangered Fish and Wildlife; Petition and Finding to Remove the Eastern Pacific Gray Whale Stock From the List of Endangered and Threatened Wildlife,” 64499. A few years later, the NMFS indicated that the Makah seeking to resume whaling was “unlikely” a strange claim if Dan Greene was accurate in saying that the Makah had been involved in the delisting process for years:

<sup>58</sup> Makah Tribal Council, “Application for a Waiver of the Marine Mammal Protection Act Take Moratorium to Exercise Gray Whale Hunting Rights Secured in the Treaty of Neah Bay.” February 11, 2005, 10.

<sup>59</sup> Many Makah whaling advocates believe that their treaty right to whale is absolute and overrides both domestic law (the MMPA) and international law (the ICRW), but they have submitted to these legal-bureaucratic processes in order to demonstrate good faith and enhance the perceived legitimacy of the hunt. Some whaling opponents argue that the Treaty of Neah Bay was abrogated by the ICRW, the Whaling Convention Act of 1949 (which gives the U.S. Secretary of Commerce powers to enforce the ICRW domestically), and the MMPA.

<sup>60</sup> Côté, *Spirits*.

the trust responsibility has been seen as an “explicit duty binding the U.S. to uphold Indian treaty obligations and act as trustee in promoting the economic and political development of the Indian tribes.”<sup>61</sup> The Indian Tribal Justice Support Act (1993), the Department of Commerce’s American Indian and Alaska Native Policy (March 30, 1995), and Executive Order 13175 (2000) all affirm the government’s unique obligation to Native American tribes.<sup>62</sup>

Opposition to the Makah request emerged before the 1996 IWC meeting convened. Over 300 organizations worldwide signed an “Open Letter to the Makah Nation” asking them to reconsider their plan:

The undersigned groups respectfully appeal to the Makah Nation to refrain from the resumption of whaling. People from many cultures worldwide hold whales to be sacred and consider each species a sovereign nation unto itself, worthy of respect and protection. Gray whales migrate vast distances each year and bring joy to many thousands of whale watchers. They only briefly pass through Makah waters. The resumption of the slaughter of these benign and trusting beings would bring to your nation swift and ongoing world-wide condemnation. We submit that important spiritual traditions must be observed in the context of a planet whose wildlife are being destroyed by habitat reduction, human overpopulation and exploitation, competition for food, and the proliferation of toxic chemicals. As global neighbors also committed to healing our spiritual connection to the natural world, we appeal to you to work with us to pursue creative alternatives to your planned whaling, avoiding a conflict that will have no winners.<sup>63</sup>

Predicting the intense conflict that would envelop the Makah whaling proposal, the letter highlights two counterweights to the Makah argument about cultural tradition: the fact that many other cultures believe that the whale deserves “respect and protection” and the idea that traditions should be flexible enough to take changing (ecological) circumstances into account.

During the 1996 IWC meeting, anti-whaling nations argued that the Makah request did not satisfy the terms of the ASW exception. A 1982 IWC report had clarified the following terms relating to the ASW exception:

Aboriginal subsistence whaling means whaling for purposes of local aboriginal consumption carried out by or on behalf of aboriginal, indigenous, or

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<sup>61</sup> William Bradford, “‘Save the Whales’ v. Save the Makah: Finding Negotiated Solutions to Ethno-developmental Disputes in the New International Economic Order.” *St. Thomas Law Review* 13 (2000–2001): 190. See also Miller, “Tribal Cultural.”

<sup>62</sup> DEIS, 1-12.

<sup>63</sup> [www.earthisland.org/ei/immmp/makah.htm](http://www.earthisland.org/ei/immmp/makah.htm), cited in Lawrence Watters and Connie Dugger, “The Hunt for Gray Whales: The Dilemma of Native American Treaty Rights and the International Moratorium on Whaling.” *Columbia Journal of Environmental Law* 22 (1997): 334.

native peoples who share strong community, familial, social, and cultural ties related to a continuing traditional dependence on whaling and on the use of whales. Local aboriginal consumption means the traditional uses of whale products by local aboriginal, indigenous, or native communities in meeting their nutritional, subsistence, and cultural requirements. The term includes trade in items which are by-products of subsistence catches. Subsistence catches are catches of whales by aboriginal subsistence whaling operations.<sup>64</sup>

Critics argued that the Makah could demonstrate neither a “continuing traditional dependence” upon whaling nor a subsistence requirement for whale meat, and that they were therefore not eligible for the ASW exception. In addition, Alberta Thompson and other dissenting Makah elders arrived at the meeting to speak against their tribe’s request. As Thompson puts it, “[We] were grandmothers arriving at the IWC in wheelchairs.”<sup>65</sup> The U.S. House of Representatives Committee on Resources seized the moment to unanimously pass a resolution expressing opposition to the Makah hunt.<sup>66</sup> U.S. officials decided to withdraw the request for a Makah quota.

At the next IWC meeting in 1997, the U.S. did an end run around the quota approval process by folding its gray whale quota request into that of the Chukotka (Indigenous inhabitants of Russia) and trading part of the Alaskan Inupiat’s bowhead whale quota in exchange for some of the Chukotka’s gray whale quota. Member nations opposing Makah whaling were left with little choice but to approve the Chukotka quota, since this people clearly fit the ASW exception and received quotas every year from the IWC. They registered their protest by issuing a statement that the ASW exception applies only to those “whose traditional subsistence and cultural needs have been recognized by the IWC,” but the U.S. succeeded in removing “by the IWC” from the statement, thus leaving the recognizing agent unspecified and the statement virtually meaningless.<sup>67</sup> Coming out of the 1997 IWC meeting, the NMFS and Makah claimed that the IWC had allocated the latter a gray whale quota, and whaling opponents (including anti-whaling nations such as Australia and New Zealand) claimed that the IWC never explicitly recognized the Makah under the ASW exception and that the Makah therefore had no legal right to whale.<sup>68</sup>

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<sup>64</sup> Report of the Aboriginal Subsistence Whaling Working Group, 5.28.12, iwc/64/ASW5 Rev1, agenda item 5.1.

<sup>65</sup> Peterson and Hogan, Sightings, 125.

<sup>66</sup> Lawrence Watters and Connie Dugger, “The Hunt for Gray Whales: The Dilemma of Native American Treaty Rights and the International Moratorium on Whaling.” *Columbia Journal of Environmental Law* 22 (1997): 334.

<sup>67</sup> Brian Trevor Hodges, “The Cracking Façade of the International Whaling Commission as an Institution of International Law: Norwegian Small-Type Whaling and the Aboriginal Subsistence Exemption.” *Journal of Environmental Law & Litigation* 15 (2000): 295–328.

<sup>68</sup> Jeremy Firestone and Jonathan Lilley, “Aboriginal Subsistence Whaling and the Right to Practice and Revitalize Cultural Traditions and Customs.” *Journal of International Wildlife Law & Policy* 8, nos. 2–3 (2005): 177–219; Peterson and Hogan, Sightings.

In April 1998, the NMFS announced that Makah subsistence and cultural needs had been recognized by both the U.S. and the IWC and issued the tribe a gray whale quota. The Makah hunted a gray whale in May 1999, as described at the opening of this chapter. Before the Makah could hunt again, a coalition of individuals and environmental and animal protection groups took the National Oceanic and Atmospheric Administration (NOAA)—of which the NMFS is a part—to court, arguing that it had shown bias (in favor of the hunt) and had rushed to judgment in its assessment of what kind of environmental impact Makah whaling was likely to have, thus violating the National Environmental Policy Act (NEPA) of 1970.<sup>69</sup> In *Metcalf v. Daley* (2000), the Ninth Circuit Court of Appeals ruled in favor of the plaintiffs, finding that the NOAA had indeed shown bias and violated NEPA by preparing an Environmental Assessment (EA)—which resulted in an FONSI or “finding of no significant impact”—of the proposed hunt after it had already committed itself in writing to supporting the Makah hunt.<sup>70</sup> The court wrote:

It is highly likely that because of the Federal Defendants’ prior written commitment to the Makah and concrete efforts on their behalf, the EA was slanted in favor of finding that the Makah whaling proposal would not significantly affect the environment.<sup>71</sup>

The court also affirmed that the U.S. Supreme Court “has clearly held that treaty rights such as those at stake in this case ‘may be regulated...in the interest of conservation...provided the regulation...does not discriminate against the Indians’.”<sup>72</sup> The NOAA was ordered to set aside the written agreement it had made with the Makah tribe, start the NEPA process again from scratch, and prepare a new EA.

After the NMFS issued a second EA in July 2001, again with a “finding of no significant impact” (FONSI), it found itself back in court. In *Anderson v. Evans* (2002), the Ninth Circuit Court of Appeals once again ruled in favor of the plaintiffs, finding that the NOAA had violated NEPA by preparing an EA rather than a more comprehensive Environmental Impact Statement (EIS).<sup>73</sup> The court argued that the impact of the Makah hunt upon the small population of “local” or “resident” whales was “sufficiently

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<sup>69</sup> NEPA sets out procedures concerning proposed federal actions which might affect the environment, requiring an agency to collect information on the possible impact and disclose this information to the public.

<sup>70</sup> 214 F.3d 1135 (9th Cir. 2000). Plaintiffs-Appellants included Jack Metcalf, Australians for Animals, Beach Marine Protection, Alberta Thompson, the Fund for Animals, and others. Defendants-Appellees included William Daley, Secretary, U.S. Department of Commerce; James Baker, Administrator, NOAA; and Rolland Schmitten, Director, NMFS. Defendant-Intervenor-Appellee was the Makah Indian Tribe.

<sup>71</sup> Section 35.

<sup>72</sup> Section 36.

<sup>73</sup> 371 F.3d 475 (9th Cir., 2002). Plaintiffs-Appellants included Will Anderson, Fund for Animals, HSUS, Australians for Animals, Cetacean Society International; West Coast Anti-Whaling Society; and others. Defendants-Appellees were Donald Evans, Secretary, U.S. Department of Commerce; Con-

uncertain and controversial to require the full EIS protocol.”<sup>74</sup> The Court also remarked upon the IWC’s ambiguous language about aboriginal and subsistence needs needing to be “recognized”:

We cannot tell whether the IWC intended a quota specifically to benefit the Tribe...[T]he surrounding circumstances of the adoption of the Schedule cast doubt on the intent of the IWC to approve a quota for the Tribe...Whether recognition must formally come from the IWC or from the United States is not clear.<sup>75</sup>

Noting the potential precedential impact of the scenario, the court remarks:

Prior to adoption of this language, the understanding among IWC members was that only the IWC could decide which groups met the subsistence exception. The 1997 IWC gray whale quota, as implemented domestically by the United States, could be used as a precedent for other countries to declare the subsistence need of their own aboriginal groups, thereby making it easier for such groups to gain approval for whaling.<sup>76</sup>

Environmental and animal protectionists expressed deep concern about the Makah hunt opening the door to the claims of other groups across the world. The Court’s remarks recognized the legitimacy of those concerns.

The Anderson court also ruled that the Marine Mammal Protection Act (MMPA) of 1972 applies despite the Makah’s treaty rights because the courts have recognized the government’s right to regulate Native American fishing in the name of “conservation necessity.”<sup>77</sup> The Makah were therefore required to apply for a waiver from the MMPA in order to whale. Here the court argued that Article IV of the Treaty of Neah Bay, which grants the Makah fishing, whaling, and sealing rights “in common with all citizens of the United States,” indicates a “cotenancy” relationship over these resources. According to the court, the “in common with” language

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rad Lautenbacher, Administrator, NOAA; and William Hogarth, Assistant Administrator for Fisheries, NMFS. Defendant-Intervenor-Appellee was the Makah Indian Tribe. Under NEPA, an Environmental Assessment (EA) either results in an FONSI (finding of no significant impact) or triggers the preparation of a full Environmental Impact Statement (EIS).

<sup>74</sup> Section 68.

<sup>75</sup> Section 95.

<sup>76</sup> Sections 80–81.

<sup>77</sup> The MMPA prohibits (with exceptions) the “take” of marine mammals in U.S. waters, or by U.S. citizens on the high seas, as well as the importation of marine mammals and/or products into the U.S. In 1994, the MMPA was amended to specify an exception for Alaskan Natives relying on marine mammals as a subsistence resource. [www.nmfs.noaa.gov/pr/laws/mmpa](http://www.nmfs.noaa.gov/pr/laws/mmpa). The court mentioned the three-part Fryberg test for conservations laws affecting Native treaty rights: the sovereign must have jurisdiction in the activity area; the statute must be non-discriminatory; and the statute must be necessary to achieve the conservation purpose.

prevent[s] Indians from relying on treaty rights to deprive other citizens of a fair apportionment of that resource...[which means] the Makah cannot, consistent with the plain terms of the treaty, hunt whales without regard to processes in place and designed to advance conservation values by preserving marine mammals or to engage in whalewatching, scientific study, and other non-consumptive uses...The MMPA will properly allow the taking of marine mammals only when it will not diminish the sustainability and optimum level of the resource for all citizens.<sup>78</sup>

In other words, gray whales are common property of U.S. citizens—*res communis*, or part of the global (in this case, national) commons.<sup>79</sup> Thus the Makah treaty right to whale, though valid, must be weighed against other U.S. citizens' right to have (non-consumptive) access to this resource as well. Unlike the environmental and animal protection groups who made various biocentric assertions in the "Open Letter to the Makah Nation," the court relied exclusively on anthropocentric claims to make its case. Although the intent is protectionist, the court's instrumentalizing language is eerily reminiscent of the IWC's old unit of measurement, Blue Whale Units. Which type of argument has more promise for protecting gray whales—a neoliberal one about resources and property rights or an alternative one about ecological health and animal well-being? Can they be deployed together or are they mutually exclusive?

In 2012, the NMFS abruptly announced that it was discarding the Draft Environmental Impact Statement (DEIS) it had been working on and starting the process from scratch, citing, as described above, "several substantive scientific issues [which] arose that required an extended period of consideration."<sup>80</sup> With the NEPA process restarting, it will likely be several more years until a new DEIS is produced, subjected to public comment, and revised into a final EIS. Thus it will be several more years until the decision is made to grant or not the Makah a waiver to the MMPA. The contingency of gray whale science surfaces and shakes things up, highlighting the unstable foundation of scientific management efforts and the uncertain status of the species. The scientific management of the commons in the public interest turns out to be a fraught and deeply political project.

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<sup>78</sup> Section 108.

<sup>79</sup> Burns, "International Whaling," asks if whales are *res nullius* resources (the property of no one, there for the taking) or *res communis* resources (common property of the world). He argues that international agreements have tended to lean toward the latter definition. Burns does not consider a third possibility: that whales are not resources at all.

<sup>80</sup> U.S. Department of Commerce, "Notice of Intent to Terminate the Existing Draft Environmental Impact Statement and Prepare a New Environmental Impact Statement," 29968.

## The optics of ecological and ethical harm

Environmental and animal protectionist organizations made two principal types of arguments against the Makah hunt.<sup>81</sup> These are analytically distinct optics that were often combined in practice. The first was that Makah whaling caused real and potential ecological harm by killing members of a species whose status is precarious and opening the door legally and morally to whaling by others around the world. The second was that Makah whaling caused ethical harm by taking the lives of animals who deserve significant moral consideration and, in the eyes of some, a “right to life.” Thus many whale advocates went beyond admonitions about cruelty and the infliction of unnecessary suffering to suggesting that whales, because of their special characteristics, deserve to be protected from hunting altogether.

Staff scientists from the environmental and animal protections groups challenged the NMFS’s “best available science” at every turn—questioning specific studies and claims, requesting up-to-date and impartial research on all aspects of gray whale behavior, biology, and ecology, and emphasizing the indeterminacy of gray whale science. Reporting on the response of these organizations to the 2008 DEIS, the NMFS scoping report drily noted:

Ocean Defense International commented that the EIS needs to examine the methodology of population estimates over the last ten years...because the assessments cannot be made on questionable or out of date data. Cetacean Society International commented that data must be sought from all legitimate sources (not just NMFS-funded), and asked for the EIS to discuss NFMS’ funding priorities, or lack of, for assessments. The comment claimed that because NFMS has not funded and accomplished recent studies, the EIS cannot assert with objectivity that climate, population and habitat trends are suitable to allow whaling in a given future period, much less that the population will remain stable.<sup>82</sup>

In an August 10, 2012 letter to the NMFS, HSUS marine mammal scientist Dr. Naomi Rose urged NMFS officials preparing their new EIS to pay heed to the Alter et al. (2007) study on historical ENP population estimates so that they might develop a “proper environmental baseline” from which to analyze the environmental impact of the Makah hunt.

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<sup>81</sup> The coalition of groups included local groups (e.g., Peninsula Citizens for the Protection of Whales) as well as other whale and cetacean protection organizations (e.g., Cetacean Society International) and national and international environmental and animal protection organizations (e.g., HSUS, Sea Shepherd Conservation Society, Ocean Defense International, Animal Welfare Institute, Progressive Animal Welfare Society).

<sup>82</sup> U.S. Department of Commerce, NOAA, NMFS, “Scoping Report: Makah Whale Hunt Environmental Impact Statement,” 12. While preparing the DEIS, the NMFS held four public scoping meetings in October 2005 (three in Washington state and one in Maryland) and solicited over 300 written comments in 2005–2006, the vast majority of which were sent by individuals.

Whale advocates also warned insistently about the precedential dangers posed by Makah whaling. Some expressed strong concern that the Makah would move from “cultural and subsistence” hunting to resuming full-scale commercial hunting. The fact that IWC regulations allowed the sale of handicrafts made from non-edible whale products seemed to blur the line between aboriginal and commercial whaling. In an October 24, 2005 letter to the NMFS, Cathy Liss, President of the Animal Welfare Institute, wrote: “AWI is concerned that the granting of an additional waiver to the MMPA [to the Makah] for the sale of handicrafts made from whale products within the United States might lead to commercialization of the whale as a resource.”<sup>83</sup>

The Makah Tribal Council had assured the NMFS that they had no plans to resume commercial whaling, and the tribe’s “Application for a Waiver of the Marine Mammal Protection Act Take Moratorium” (2005) clearly stated that the tribe wished to hunt only for local consumption and ceremonial purposes. Yet the Makah had openly discussed the resumption of commercial whaling early on in the approval process. Obtained through an FOIA request, an April 27, 1995 memo from an NMFS staffer to Michael Tillman, the Deputy U.S. Commissioner to the IWC, mentioned that the Makah planned “to operate a processing plant so as to sell [whale meat] to markets outside the U.S....[and] have started discussions with Japan and Norway about selling their whale products to both countries.”<sup>84</sup> John McCarty, Executive Director of the Makah Whaling Commission, remarked: “[S]elling the whale was a thought. And I’ll be honest with you. Selling the whale could be very, very advantageous to the tribe.”<sup>85</sup> In addition, in a May 5, 1995 letter to Will Martin of NOAA and David Colson of the Department of State, Makah Tribal Council member Hubert Markishtum states for the record that the Makah have the treaty right to hunt whales commercially and that they are not waiving that right by applying for an ASW exception.<sup>86</sup>

The precedential danger was magnified, whale protectionists argued, because of the U.S. government’s demonstration of bias during the NEPA and IWC approval processes. The HSUS sent numerous scoping letters to the NMFS alleging the agency’s bias and warning that Makah whaling would open the door to other groups and nations keen on expanding the definition of ASW. In a February 16, 2001 letter to the NMFS, HSUS marine mammal scientist Dr. Naomi Rose wrote that the just-released Draft Environmental Assessment (DEA), with its finding of no significant impact (FONSI), was misguided because it relied on the U.S. delegation’s interpretation of what had occurred at the 1997 IWC meeting—an interpretation which was “entirely erroneous”

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<sup>83</sup> October 24, 2005 letter from Cathy Liss to Cassandra Brown of NMFS, Northwest Region.

<sup>84</sup> Dick Russell, “Tribal Tradition and the Spirit of Trust: A Makah Elder Speaks Out for the Gray Whale,” *The Amicus Journal* (Spring 1999): 32. See also Sarah Schmidt, “Documents Show Makah Eyed Commercial Whaling: Only at First, but Tribe Keeps It as an Option,” *Globe and Mail*, October 24, 1998. Firestone and Lilley, “Aboriginal Subsistence.”

<sup>85</sup> Richard Blow, “The Great American Whale Hunt,” *Mother Jones*, September/October 1998.

<sup>86</sup> February 16, 2001 letter from Dr. Naomi Rose to Cathy Campbell of NOAA. See also “Native Americans and the Environment/The Makah Whaling Conflict: Arguments against the Hunt.”



and “self-serving”: “The HSUS firmly believes that in order to avoid a lawsuit by the Makah Tribe regarding treaty rights, the US has wilfully misinterpreted the unambiguous statements and intentions of other IWC delegations.” Rose points to the verbatim record of the 1997 IWC plenary session, which indicates that a majority of the nations who voted for the Chukotka gray whale quota “specified that their votes were not to be perceived as support for the U.S. request or the Makah Tribe’s ASW claims.” In an October 24, 2005 letter to NMFS, Rose then highlights the IWC definition of “local aboriginal consumption” as including “nutritional, subsistence, and cultural requirements” and argues that transcripts of the 1996 and 1997 IWC meetings indicate dissensus on whether Makah nutritional needs had been adequately established. Finally, in an August 20, 2012 letter to the NMFS, Rose concludes that the Makah hunt does not “conform to international standards of subsistence whaling...and threaten[s] to create (and has indeed de facto created) a new category of whaling—cultural whaling—that does not reflect a true subsistence need.” The NMFS is responsible for this outcome as its actions “have consistently resulted in legal short cuts and questionable policy positions that have weakened domestic and international whale protection.”

The ecological Indian trope was deployed as a disciplinary tool by some whaling opponents (both members of the public and a few advocates).<sup>87</sup> The suggestion here was that the Makah were betraying their Makahness by pursuing an activity that threatened environmental balance. In seeking to whale, they were being non-ecological or bad Indians. Consider this email sent to the NMFS during the scoping period for the 2008 DEIS:

Whales are one of the wonders and treasures of the world, and their sacred being is for all mankind. It is very disheartening to see that the quest for their destruction for profit is still going on. I honor and respect our native peoples and have a reverence for their culture. Here in the San Francisco Bay Area, the history Oholone tribe has shown that they were one of the most peaceful, spiritual peoples that ever walked planet earth...I believe that any Makah who are willing to destroy one of the most magnificent creatures that the earth has provided are not true to their spirit. Surely, sharing and providing educational opportunities to view and be with these creatures would be a better income producing avenue for the Makah.<sup>88</sup>

A whale advocate made a similar point: “The Makahs are the cowboys here...and we’re the Indians. We’re protecting nature with very few resources; the Makah are

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<sup>87</sup> There were aspects of Makah culture and history that made this mantle an awkward fit to begin with. The Makah’s strong property orientation (they rendered property not just topographical features, marine resources, and physical material but also songs, dances, images, rites, and specific kinds of cultural knowledge), their history as commercial whalers and sealers, and their continued claim to the right to whale commercially—all of this disrupts the image of the Indian as an organic constituent element of nature.

<sup>88</sup> October 15, 2005 email sent by a private individual to the NMFS during public comment on the DEIS.

hunting with high-caliber weapons, and with the Coast Guard and the U.S government behind them.”<sup>89</sup> The force of this statement, of course, lies in its pointed reversal of the ecological Indian trope. It is the Makah who are the rapacious, powerful despoilers of nature, while their opponents struggle to stymie their destructive advance. The Makah have become so non-ecological that they are like cowboys. Reprising a common theme among whaling opponents, one letter writer to the *Seattle Times* wrote:

Make your clothing on looms so you will look like your ancestors when you are hunting. Give up Gore-Tex and Thinsulate, wear moccasins instead of sneakers and hiking boots. Grow and hunt the rest of your food, stop going to grocery stores. Stop using electricity and all the appliances it supplies...If you really want to return to the ‘old days’ of your culture, then turn around and go all the way back.<sup>90</sup>

The suggestion here was that the Makah tribe’s embrace of things modern—including modern methods of hunting such as a high-powered rifle and a speedboat—meant that the hunt was not authentic and that they were not acting like authentic Indians.<sup>91</sup> The tone of the quote is sarcastic and disparaging, implying that the Makah are using culture as an excuse to kill whales and that they want to have it both ways by claiming traditionalism while availing themselves of modern conveniences.

The second optic used by whale advocates focused on the ethical harm done by the Makah hunt to unique creatures who deserve human protection. Many of the emails sent by concerned individuals to the NMFS during the public comment period on the DEIS opposed the hunt on the grounds that gray whales were singularly “majestic,” “ancient,” and “intelligent,” with large, complex brains and strong family bonds. Victor Sheffer, former chair of the U.S. Marine Mammal Commission, spoke for many when he stated: “I believe we ought to stop killing them[whales] unless for human survival only...I see no need to extend this protective ethic to rabbits, or chickens, or fish. Whales are different.”<sup>92</sup> The uniqueness argument was an effective strategy for mobilizing public opposition to the Makah hunt, particularly because whales have been emblems of environmental consciousness in the U.S. since the “Save the Whales” campaign of the 1970s. That it straightforwardly asserted a species hierarchy and

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<sup>89</sup> Marybeth Martello, “Negotiating Global Nature and Local Culture: The Case of Makah Whaling,” *Earthly Politics: Local and Global in Environmental Governance*, edited by Sheila Jasanoff and Marybeth Long Martello (Cambridge, MA: MIT Press, 2004), 271, citing Schmidt, “The One That Got Away,” *Saturday Night* 114, no. 2 (1999): 78–84.

<sup>90</sup> 1999 letter to the *Seattle Times*, cited in Patricia Erikson, “A-Whaling We Will Go: Encounters of Knowledge and Memory at the Makah Cultural and Research Center,” *Cultural Anthropology* 14, no. 4 (1999): 575.

<sup>91</sup> Rob Van Ginkel, “The Makah Whale Hunt and Leviathan’s Death: Reinventing Tradition and Disputing Authenticity in the Age of Modernity,” *Etnofoor* 17, no. 1/2 (2004): 58–89.

<sup>92</sup> Cited in Alexander Gillespie, “The Ethical Question in the Whaling Debate,” *The Georgetown International Environmental Law Review* 9 (1997): 369.

thus rendered other kinds of animals (rabbits, chickens, fish, and others) more killable, concerned some, including Gillespie (1997), who recommends linking the critique of whaling to a broader discussion about the “the moral considerability of [all] animals.”<sup>93</sup> Interestingly, the ontology explicated by Makah leaders accepts most if not all of these posited whale attributes—and still views whales as edible. Again, this was a wrinkle that environmental and animal advocates did not explore.

Several scholars have directly challenged the IWC’s and NMFS’s scientific management model for its reduction of whales to resources, calling instead for a re-imagining of whales as morally considerable beings. Hawkins (2001) writes:

The central issue...[is] not a matter of whether or not ‘science’ tells us that certain whale populations can be ‘harvested sustainably’ given the industrial economic model; it is, rather, whether or not that model itself is an appropriate one for all, or any, of humanity to adopt and live by.<sup>94</sup>

Addressing the question of Inuit whaling, D’Amato and Chopra (1991) challenge the anthropocentric view that the humans’ (Inuits’) are the only interests at stake:

[T]here is a second interest: that of the great whales in the survival of their species or—even short of claims of survival—in their right to live. The whales find their own sustenance in the oceans; by what right do the Inuit expropriate the bodies of the whales to serve as their food?<sup>95</sup>

The authors point to trends in international conservation law, evolving state practices, and a “broadening international cultural consciousness” as evidence that a “right to life” for whales is emerging as part of binding customary international law.<sup>96</sup> They argue that international institutions regulating whaling have gone through five incremental stages—free resource, regulation, conservation, protection, preservation—and are now entering the sixth stage of “entitlement.”<sup>97</sup>

Of the broad coalition of groups opposing the Makah hunt, Sea Shepherd Conservation Society was the most visible. Unlike the local groups involved, SSCS operates globally and has an international reputation. Unlike broad-stroke groups like the HSUS, SSCS maintains a specific focus on protecting marine life, especially whales. With its outspoken leader, Captain Paul Watson, SSCS has garnered attention as a direct-action group which seeks out dramatic encounters with whaling vessels on the high seas. SSCS holds that whaling by Norway, Japan, and others is illegal because it is

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<sup>93</sup> Gillespie, “Ethical,” 355.

<sup>94</sup> Ronnie Hawkins, “Cultural Whaling, Commodification, and Culture Change.” *Environmental Ethics* 23 (Fall 2001): 305.

<sup>95</sup> Anthony D’Amato and Sudhir Chopra, “Whales: Their Emerging Right to Life.” *The American Journal of International Law* 85 (1991): 59.

<sup>96</sup> D’Amato and Chopra, “Whales,” 49.

<sup>97</sup> *Ibid.*, 23.

done in defiance of (or by exploiting loopholes in) IWC regulations and casts itself in an international law enforcement role, as per the U.N. statement authorizing citizens to undertake such action. The SSCS website lists “12 Primary Reasons for Opposing the Plan to Slaughter Whales by the Makah.” Copied and pasted into many of the citizen emails sent to the NMFS, the list expresses the range of complementary arguments (paraphrased below, except for items 11 and 12, which are directly quoted) made against the hunt:

1. The Makah do not qualify for the IWC’s ASW exception because they do not have an unbroken tradition of whaling and they do not have a subsistence dependence on whale meat.

2. The U.S. abrogated the Treaty of Neah Bay when it signed the IWC in 1946; it does not therefore have the right to grant a whale quota to the Makah.

3. The Makah will ask for quotas on other whales next.

4. Makah whaling will motivate tribes on Vancouver Island to resume whaling.

5. Allowing the Makah to whale will strengthen the position of Japan, Norway, and Iceland as they seek to expand their illegal whaling operations.

6. The original Makah plan was to whale commercially and sell the meat to Japan.

7. The IWC never granted a gray whale quota to the Makah.

8. Makah whaling will threaten resident whales.

9. Makah whaling will stress whales in the area, posing a danger to whale watchers.

10. Many Makah oppose whaling, which has been pushed through without full democratic tribal participation.

11. “Tradition and culture must not be the basis for slaughter. The ancestors of the Makah killed whales because they had to do so for survival. There is no survival necessity today to justify such killing. The treaty that the Makah cite as evidence of their right to whale specifically states that they have the right to whale ‘in common with the people of the United States.’ When the treaty was signed, all Americans had the right to kill whales. When whaling was outlawed for all Americans it included the Makah as the rights are ‘in common’ and not separate. There cannot be unequal rights granted in a system that promotes equality under the law. This is tantamount to extra special rights for a group of people based on race and/or culture and is contrary to the guarantee of equality under the law as guaranteed by the U.S. Constitution.”

12. “Whales should not be slaughtered anytime or anywhere by any people. These are socially complex, intelligent mammals whose numbers worldwide have been diminished severely. Sea Shepherd is dedicated to the objective of ending the killing of all whales in the world’s oceans forever. In this effort, we speak for the whales as citizens of the Earth whose right to live and survive on this planet must be defended.”<sup>98</sup>

The 11th item reads the “in common with” language from the Treaty of Neah Bay not as indicating “cotenancy” in whales as resources, as the Anderson court asserted,

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<sup>98</sup> [www.seashepherd.org/whales/makah-tribe.html](http://www.seashepherd.org/whales/makah-tribe.html).

but rather as indicating that the Makah right to whale was abrogated along with other Americans' right to whale by the ICRW/WCA and the MMPA. The suggestion that the Makah are asking for "special rights" (point 11) reverberates loudly with the claims of opponents of Native American rights and minority rights more generally.

## The optic of ecocolonialism

The Makah Tribal Council (MTC) attributed the furor over their attempted resumption of whaling to ecocolonialism or ecoracism—that is, to the continuation of historical colonialism in contemporary ecological garb. Reading environmental and animal activists' efforts through the lens of anti-colonialism, they rejected their ontological and moral claims outright. In their view, whaling had been central to Makah culture for millennia and it had been secured in perpetuity by their far-thinking ancestors in the Treaty of Neah Bay. To resume whaling meant honoring and connecting with those ancestors, recovering a suppressed tradition, restoring a severed bond between the Makah and the whale, making real a treaty right, and reinvigorating tribal culture and identity. As time went by, it also meant resisting colonial domination and asserting sovereignty, as the firestorm grew and public denunciations of the Makah intensified.

Responding to charges that their culture was reconstructed, adulterated, and inauthentic, Makah tribal leaders emphasized the continuity of their cultural traditions, characterizing the 70-year hiatus from whaling as a brief interruption and pointing out the clear persistence of whaling songs, dances, stories, and images in contemporary Makah culture. Their culture was living and evolving, they argued, and technological change was a continuous part of this process. Just as shifting from using harpoons made of mussel shells to harpoons made of steel had not made the whale hunt less authentic, neither did using a rifle and speedboat, particularly since these latter adaptations were made to make the kill more humane and to enhance the hunters' safety.<sup>99</sup> A Makah with a rifle was still a Makah and still an Indian, not a cowboy. Makah leaders read criticisms of their practices as thinly veiled expressions of ethnocentrism and hostility—that is, as reiterations of the colonial impulse. In an "Open Letter to the Public from the President of the Makah Whaling Commission" (August 6, 1998), Keith Johnson wrote:

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<sup>99</sup> The NMFS required the Makah to use a rifle after harpooning the whale on the grounds that it was more humane than the traditional method, which involved harpoons and lances alone. The Makah tribe worked with a veterinarian to develop a rifle that would be powerful enough to penetrate a whale's skull and kill it instantly. Motorboats were used in addition to the whaling canoe in order to enhance the safety of the hunters.

We don't take well to Sea Shepherd or PAWS telling us we should rise to a 'higher' level of culture by not whaling. To us the implication that our culture is inferior if we believe in whaling is demeaning and racist.<sup>100</sup>

On the Makah tribe's website, [www.makah.com](http://www.makah.com), Makah leaders charge their opponents with manufacturing an uproar in an attempt to suppress Makah culture:

Much of this opposition has been whipped up deliberately by organized groups who have put out a blizzard of propaganda attacking us...The anti-whaling community is very well organized and very well financed and puts out a steady stream of propaganda designed to denigrate our culture and play on human sympathy for animals. Perhaps what is lost in all of their rhetoric is an appreciation of the value of preserving the culture of an American Indian Tribe—a culture which has always had to struggle against the assumption by some non-Indians that their values are superior to ours... We can only hope that those whose opposition is most vicious will be able to recognize their ethnocentrism—subordinating our culture to theirs.<sup>101</sup>

Makah leaders directly linked the firestorm over whaling to practices of colonial domination manifested centuries earlier. Wayne Johnson, the captain of the Makah whaling crew in the 1999 hunt, said of protesters: "[T]hem being here is like bringing a blanket of smallpox," referring to the notorious plans of British officers to use blankets to infect the Delawares with smallpox during the Siege of Fort Pitt in 1758 in the French and Indian War.<sup>102</sup> As one observer noted, "The more the [Makah] tribe discussed the topic of whaling in the media, the more the boundaries between past federal conflicts and modern environmental frictions blurred."<sup>103</sup>

Some of the public criticism of the Makah lent credence to the notion that a colonialist mindset was at play. While environmental and animal protectionists mostly refrained from making comments on race or indigeneity and steered away from language that was obviously racially fraught, some members of the public did not hesitate to denigrate the Makah as savage, barbaric, and backward. In public scoping comments

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<sup>100</sup> Johnson is responding in part to a PAWS (Progressive Animal Welfare Society) brochure which mentions the tribe's modern amenities (lighted tennis courts, Fed Ex deliveries, etc.) as a way of raising questions about the authenticity of the tribe's culture today.

<sup>101</sup> Makah Tribal Council and Makah Whaling Commission, "The Makah Indian Tribe and Whaling: Questions and Answers."

<sup>102</sup> Richard William Gorman "Whales, Guns, and Money? How Commercial and Ideological Considerations Influenced The Seattle Times Portrayal of the Makah Whale Hunt" (Master's Thesis in American Indian Studies, University of Arizona, Tucson, 2000), 63. On Fort Pitt, see Philip Ranlet, "The British, the Indians, and Smallpox: What Actually Happened at Fort Pitt in 1763?" *Pennsylvania History* 67, no. 3 (Summer 2000): 427–441.

<sup>103</sup> Karen Barton, "'Red Waters': Contesting Marine Space as Indian Place in the U.S. Pacific Northwest" (Dissertation in Department of Geography and Regional Development, The University of Arizona, Tucson, 2000), 187.

emailed to the NMFS about the DEIS, one person wrote: “It is difficult for civilized countries to imagine such barbarity towards endangered species of whales...These are primitive and savage acts that reflect badly on the Makah tribe and United States’ citizens” (May 18, 2008). Other emailed comments included “These tribes need to come to terms with evolving with the civilized world” (May 12, 1008) and “It is time for the Makah to come out of the Stone Age” (May 9, 2008).

Other public comments were aggressively threatening and contemptuous toward the Makah. Bumper stickers which read “Save a Whale, Harpoon a Makah” reversed the status of animal and Indian, suggesting that the former deserved moral consideration while the latter was merely animal. In his analysis of letters and calls to the Seattle Times right after the 1999 hunt, Tizon (1998) notes that public opinion ran 10 to 1 against the hunt and categorizes critics of the hunt into three groups: those who decried the killing, those who decried the methods used, and a third, smaller group which expressed racial hatred toward the Makah, including these statements:

- “Publish this article but don’t use our last names. We wouldn’t want to lose our scalps.”
- “These idiots need to use what little brains they have to do something productive besides getting drunk and spending federal funds to live on.”
- “I am anxious to know where I may apply for a license to kill Indians. My forefathers helped settle the west and it was their tradition to kill every Redskin in the way. ‘The only good Indian is a dead Indian,’ they believed. I also want to keep faith with my ancestors.”

These constructions of Native Americans as irredeemably savage, like most racial fantasies, have proven remarkably enduring across spatial and temporal dimensions. The cunning, parasitical Asian, the violent Negro beast, and the savage Indian are stock characters in the American cultural imaginary. The savage Indian is but the flip side of the “ecological Indian,” of course: it is the Indian’s embeddedness in nature, his quasi-animality, that makes him both attuned to ecological considerations and prone to barbarity.

Makah leaders and supporters pointed to Representative Jack Metcalf (R-WA) and Senator Slade Gorton (R-WA), both of whom vigorously opposed Makah whaling, as quintessential ecocolonialists. Gorton had represented Washington State against the U.S. government and Native American tribes in the Boldt decision and was a long-time crusader against treaty fishing rights.<sup>104</sup> Metcalf was the founder of Steelhead and Salmon Protection Action in Washington State (later known as United Property Owners of Washington), a group which opposed tribal rights on behalf of white landowners.<sup>105</sup> According to the League of Conservation Voters, Metcalf had one of the

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<sup>104</sup> Coté, Spirits.

<sup>105</sup> “Metcalf’s Indian History.”

worst environmental voting records in Congress.<sup>106</sup> Metcalf took a prominent role in the fight against Makah whaling, co-sponsoring a unanimous resolution in 1996 by the U.S. House of Representatives Committee on Resources opposing the Makah hunt and joining other individuals and groups in bringing the *Metcalf v. Daley* lawsuit in 2000. Both Gorton and Metcalf were white Republicans who supported fishing and hunting, had deep connections to the fishing industry, and devoted a good portion of their public lives to fighting Native American treaty rights as “special rights.”<sup>107</sup> Given their histories, their interest in protecting the gray whales from the Makah struck many as going after Indians under the guise of environmental protection—the very definition of ecocolonialism. Sea Shepherd Conservation Society worked with Metcalf in a highly visible way on the Makah whaling issue, praising his leadership and appearing with him in public. Those familiar with Metcalf’s reputation as an Indian hater excoriated the SSCS for this association and raised questions about the group’s motives for opposing the Makah hunt.<sup>108</sup>

The resumption of whaling promised to be, according to Makah leaders, a salve for the wounds inflicted by historical colonialism. What colonialism had rent asunder, they suggested, only whaling could put back together. In the tribe’s “Application for a Waiver of the Marine Mammal Protection Act Take Moratorium” (2005), numerous social problems (teenage pregnancy, elevated high school dropout rates, drug use, juvenile crime) and economic problems (unemployment, poverty, substandard housing) afflicting the Makah reservation are identified and attributed to the U.S. government’s past assimilation policies. Whaling is then presented as the solution to these problems:

Whaling was the keystone of traditional Makah society. Makah society was mirrored in the structure of the whale hunt, including ceremonial preparation, the hunt itself, and the ultimate acts of butchering and distribution...Ceremonies to prepare whalers and their families for the hunt provided the Makah with a social framework that contributed to governmental, social, and spiritual stability...Given the centrality of whaling to the Tribe’s culture, a revival of subsistence whaling is necessary for the Makah to complete this spiritual renaissance and repair the damage done to the Tribe’s social structure during the years of forced assimilation.<sup>109</sup>

In “Whale Hunting and the Makah Tribe: A Needs Statement” (2012), prepared on behalf of the tribe and submitted by the U.S. to the IWC, Dr. Ann Renker writes: “Current data from Neah Bay High School verifies that, in the absence of active whale

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<sup>106</sup> Arthur Miller, “Anti-Racist Emergency Action Network Statement on Sea Shepherd and Jack Metcalf,” June 6, 1999. [www.mail-archive.com/nativenews@mlists.net/msg02969.html](http://www.mail-archive.com/nativenews@mlists.net/msg02969.html).

<sup>107</sup> Danny Westneat, “Washington’s 19th-Century Man – Jack Metcalf’s Days in Congress Are Numbered, Along With the Spirit of an Older Northwest.” *Seattle Times*, September 5, 1999, <http://community.seattletimes.nwsources.com/archive/?date=19990905&slug=2981040>.

<sup>108</sup> Coté, *Spirits and Miller*, “Anti-Racist.”

<sup>109</sup> Makah Tribal Council, “Application for a Waiver,” 6.



hunting and its related preparations, one in seven male high school students was using or experimenting with drugs and/or alcohol in 2010.”<sup>110</sup> Renker’s phrasing suggests that student drug and alcohol use is a direct result of not whaling. Renker then echoes the “Application for a Waiver” by arguing that the resumption of whaling is necessary for the spiritual, cultural, social, and nutritional health of a people still grappling with the effects of colonialism. Prohibiting it would mean “introduc[ing] a new shroud of oppression into the daily life of Makah people.”<sup>111</sup>

Responding to the optics of ecological and ethical harm, Makah leaders emphasized that their whaling proposal reflected their continuing spiritual relationship with nature as Native people.<sup>112</sup> In his “Open Letter to the Public from the President of the Makah Whaling Commission” (August 6, 1998), Keith Johnson writes:

We have an understanding of the relationship between people and the mammals of the sea and land. We are a part of each other’s life. We are all part of the natural world and predation is also part of life on this planet.

Charlotte Coté (2010), writing sympathetically about the Makah as a member of a closely related Nuuchah-Nulth tribe, writes:

Our cultures thrived in a world of reciprocity between us and our environment. Our relationship with animals has always been one based on respect and gratitude and there is a sense of sacredness attached to the spirit of the animal for giving itself to us for sustenance.<sup>113</sup>

Coté references the Makah understanding that the whale gives himself or herself to the hunters if they are worthy and have conducted proper spiritual preparations—an understanding that makes it consistent to revere the animal and also kill her.

From the viewpoint of Makah leaders, animal and environmental advocates are attempting to erase the Makah’s historically and spatially embedded understanding of nature and impose their own ahistorical and abstract understandings of nature upon the tribe. If whites tend to define themselves as apart from nature and animals, which they alternately approach as exploiter or protector, Native peoples such as the Makah see themselves as intimately connected to other living beings in the web of life and death. Hunting, for them, is a form of reciprocal exchange between humans and animals (Nadasdy 2007). Moreover, they understand these relationships to be place-specific (Tallbear 2011): the Makah know whales and other sea life—not in the abstract, as rights-bearing subjects or ecological bellwethers, but as particular kin with whom they have shared Neah Bay’s swells, currents, and cliffs for millennia. The sea

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<sup>110</sup> Renker, “Whale,” 56.

<sup>111</sup> Ibid., 7.

<sup>112</sup> See Renker, “Whale” and the Makah tribe’s website, [www.makah.com](http://www.makah.com).

<sup>113</sup> Coté, *Spirits*, 164–165.

is their country. Did it make sense for whites, who had nearly driven the gray whale to extinction, to block the Makah's efforts to resume a tradition of whaling that had always been "sustainable" and respectful toward the animal?

The effort to resume whaling has become inextricably tied to the question of sovereignty. The question "Who decides what the Makah can and cannot do?" hangs over every aspect of the controversy. Resuming whaling has been a costly endeavor: the tribe spent well over a million dollars of its own funds between 2003 and 2012 alone, and at least \$335,000 of NMFS funds between 1995 and 1998.<sup>114</sup> For a brief moment, Makah leaders contemplated accepting financial incentives to desist, and some Makah favored developing a lucrative whalewatching industry instead of whaling, but in the end, the decision to pursue whaling was closely tied to a sense of collective self-determination and pride.<sup>115</sup> This is likely what the young Makah man felt as he held up a sign saying "Kill the Whales" in front of protesters.<sup>116</sup> And this is likely what Makah Tribal Council member Marcy Parker meant when she emerged out of a meeting where a financial offer to desist had been discussed and rejected and stated, "You can't buy our treaty right, and you can't buy our pride."<sup>117</sup> As opposition intensified, so did the resolve of many Makah to keep fighting. One scholar notes:

[I]t was almost a badge of honor to be disparaged by non-natives for continuing their cultural traditions. The whale hunters felt a connection to their ancestors who had been arrested for engaging in potlatches, beaten for speaking Indian languages in government boarding schools, or vilified by Christian missionaries as culturally inferior savages. With protests and other attempts to block the tribe's efforts seen as an extension of ongoing processes of colonization, whaling and the activities surrounding it became a form of resistance to a larger history of cultural oppression.<sup>118</sup>

Interestingly, of the 93 percent of Makah who said in a survey that the tribe should continue to whale, more cited treaty rights as a reason (46 percent) than either cultural tradition (36 percent) or moral/spiritual benefits (20 percent).<sup>119</sup> It was the desire to

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<sup>114</sup> From 1995 to 1998, the U.S. government spent \$335,000 helping the Makah in their pursuit of whaling (Blow 1998). From 2003 to 2007, the tribe spent approx. \$675,000 of its own funds on the pursuit of whaling; from 2007 to 2012, it spent \$404,000 (Renker, "Whale").

<sup>115</sup> An assistant of Seattle communications billionaire Craig McCaw, who spent \$12 million to return the orca Keiko of Free Willy fame to the wild, visited the Makah reservation to try to negotiate with Makah leaders, who had hinted that they might suspend the hunt if the financial incentive was significant enough. The negotiations came to naught (Alex Tizon and Jack Broom, "McCaw Trying to 'Buy Off' Whale Hunt? – Aide to Billionaire in Talks with Makah Tribal Leaders." Seattle Times, November 12, 1998. <http://community.seattletimes.nwsources.com/archive/?date=19981112&slug=2783071>).

<sup>116</sup> Van Ginkel, "The Makah," 70.

<sup>117</sup> Russell "Tribal Tradition," 32.

<sup>118</sup> Jennifer Sepez, "Treaty Rights and the Right to Culture: Native American Subsistence issues in US Law." *Cultural Dynamics* 14, no. 2 (July 2002): 143–159, 155.

<sup>119</sup> Renker, "Whale."

preserve and exercise sovereign power that led many Makah to engage the whaling issue so passionately. The Makah, struggling with poverty and dispossession on the Neah Bay reservation, wanted to wrest back the power of self-determination that colonialism had stripped away.

The spirit of angry resistance sparked the so-called “rogue hunt” of 2007, where Makah hunters impatient with legal uncertainties decided to kill a whale without federal authorization. The Makah “Application for a Waiver” (2005) painstakingly explicates the tribe’s commitment to humane killing, minimizing harm to whales (especially the PCFA or “resident” whales), protecting the environment, and abiding by federal and international laws. The “rogue hunt” ruptured, at least momentarily, the tribe’s self-consciously projected image of unity, spirituality, ecosensitivity, and respect for the law. On September 8, 2007, five Makah men paddled out in the Strait of Juan de Fuca, where they harpooned a gray whale at least four times and shot him at least 16 times. One reporter narrated:

The big gun misfired and fell overboard, and the only other means of quick dispatch at hand were a shotgun and a rifle. These lacked the strength to pierce the whale’s thick skull, though, and anyway the men shot at the wrong spot. Then they ran out of bullets.<sup>120</sup>

The whale, who bled for 12 hours before dying and sinking to the bottom of the ocean, turned out to be a whale whom scientists had labeled CRC-175, a “resident” gray whale who frequented the area summer after summer.<sup>121</sup> These whalers were not random hunters but central players in the ongoing drama over whaling rights: two of the men were Wayne Johnson and Theron Parker, members of the crew in the 1999 hunt; a third, Andy Noel, was a member of the Makah Whaling Commission. Because the tribe’s application for a waiver from the Marine Mammal Protection Act of 1972 had not yet been granted, the hunt violated this federal statute.

The Makah Tribal Council held a news conference where it officially condemned the hunt and promised to prosecute and punish the five men to the fullest extent under tribal law.<sup>122</sup> The tribe also sent representatives to Washington, DC to reassure concerned government officials. In U.S. District Court, three of the men pled guilty to violating the MMPA and were placed on probation and assigned community service. Wayne Johnson and Andy Noel were convicted in a bench trial and sentenced to five and three months jail time, respectively.<sup>123</sup> A defiant Johnson stated: “I’m proud of

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<sup>120</sup> Eric Wagner, “Savage Disobedience: A Renegade Whaler Rocks the Boat in the Makah Struggle for Cultural Identity.” *Orion Magazine*, November/December 2009. [www.orionmagazine.org/index.php/articles/article/5101/](http://www.orionmagazine.org/index.php/articles/article/5101/).

<sup>121</sup> Paul Gottlieb, “Ten Years Today after Historic Hunt, Makah Wait to Whale Again.” *Peninsula Daily News*, May 17, 2009. [www.peninsuladailynews.com/article/20090517/news/305179997](http://www.peninsuladailynews.com/article/20090517/news/305179997).

<sup>122</sup> Lynda Mapes, “2 Makahs Get Jail Time for Killing Whale.” *Seattle Times*, June 30, 2008, [http://seattletimes.com/html/localnews/2008026348\\_webmakah30m.html](http://seattletimes.com/html/localnews/2008026348_webmakah30m.html).

<sup>123</sup> “Makah Tribal Members Sentenced For Violating Marine Mammal Protection Act.”

what we did. Some people are calling what I did an act of civil disobedience. I don't know much about that, but if civil is what the government is, then call my part savage disobedience."<sup>124</sup> Is Johnson an Indian hero, proudly carrying the banner of sovereignty into battle with the U.S. government? Or is he a troubled man struggling with what Cynthia Enloe (1989) calls "masculinized memory, masculinized humiliation and masculinized hope," indifferent to the impact of his acts upon others?<sup>125</sup> Although many Makah expressed concern that the rogue hunt would damage the tribe's reputation and its chances for a legal waiver from the MMPA, there was sympathy for the hunters, too, and an unwillingness to punish them. In the end, the tribal court could not put an impartial jury of Makah together and tribal judge Stanley Myers dropped all charges against the whalers on the promise of a year's good behavior.<sup>126</sup>

Some Makah rejected the optic of ecocolonialism and openly dissented from the tribe's pursuit of whaling. During the 1996 IWC meeting, seven Makah elders, including descendants of whaling chiefs and signatories to the Treaty of Neah Bay, signed and circulated the following petition:

We are elders of the Makah Indian Nation (Ko-Ditch-ee-ot) which means People of the Cape.

We oppose this Whale hunt our tribe is going to do.

The opposition is directly against our leaders, the Makah Tribal Council, Tribal Staff, and the Bureau of Indian Affairs, which is an arm of the U.S. Government.

The Makah Indian Nation has been functioning without a quorum; two Councilmen are off on sick leave for very serious reasons, cancer.

How can any decision be legal when our by-laws state the Treasurer shall be present at every meeting? The Vice Chairman is the other man out.

The whale hunt issue has ever been brought to the people to inform them and there is no spiritual training going on. We believe they, the Council, will just shoot the whale, and we think the word "subsistence" is the wrong thing to say when our people haven't used or had Whale meat/blubber since the early 1900s.

For these reasons we believe the hunt is only for the money. They can't say "Traditional, Spiritual and for Subsistence" in the same breath when no training is going on, just talk.

Whale watching is an alternative we support.

The signatories were Isabell Ides (age 96), Harry Claplanhoo (age 78), Margaret Irvin (age 80), Ruth Claplanhoo (age 94), Viola Johson (age 83), Lena McGee (age 92), and Alberta Thompson (age 72).<sup>127</sup> The petition suggests that Makah leaders

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<sup>124</sup> Wagner, "Savage."

<sup>125</sup> Enloe (1989), 44 cited in Gaard (2001). See Sullivan (2000) for a revealing close-up portrait of Wayne Johnson.

<sup>126</sup> Mapes, "2 Makahs."

<sup>127</sup> Will Anderson et al., "Alberta Nora 'Binki' Thompson, Defender of Whales." *Animal Welfare Institute Quarterly*, Summer 2012. <http://awionline.org/awi-quarterly/2012-summer/alberta-nora-binki-thompson-defender-whales>.

are driven by greed and willing to violate tribal laws to achieve their aims. Dottie Chamblin, another Makah elder, stated:

They [the tribal leaders] say they're traditional but they are not listening to or protecting the elders. Shooting a whale with a machine gun is not a spiritual way...no one in this village has a direct relationship with the whale any longer.<sup>128</sup>

Dissenters recounted the harassment and persecution they experienced within the tribe.

Dottie Chamblin commented:

There's something very wrong here. We created a stir just by seeking the truth and asking them to tell it. Because of this treatment, no one else will speak up for the rest of the people, and that's a sad state of affairs. They've ostracized us. They've victimized us. It's difficult to get health care. They treat me badly. It's not the Makah way. There is a young, educated faction that is in breach of tradition.<sup>129</sup>

According to Chamblin, the tribal council's threat to banish dissenters from the reservation discouraged others from supporting or joining the dissenters.<sup>130</sup> The most outspoken dissenting elder was Alberta Thompson, a descendant of three signatories of the Treaty of Neah Bay, granddaughter of a whaler, and survivor of the government-run boarding school for Makah children. Once she publicly opposed whaling, Thompson was fired from her job as a coordinator at the Makah Tribal Senior Center on the grounds that she had spoken with Sea Shepherd Conservation Society representatives while at her job.<sup>131</sup> Her grandson was bullied at school and her dog was taken from her home, killed, and left on the side of the road a mile from her house. The acting chief of police informed Thompson that if she spoke about whaling or even "made a face" she would be arrested. Indeed, the Makah Tribal Council passed a resolution that only tribal council members and their hired public relations advisors could speak to the media. Thompson asked: "What has this old lady done to aggravate them? What am I onto that they would think I'm so dangerous?"<sup>132</sup> In 1997, oceanographer Jean-Michel Cousteau invited Thompson on a whale-watching expedition at San Ignacio. She recounted her experience, her eyes filling with tears:

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<sup>128</sup> Linda Hogan, "Silencing Tribal Grandmothers – Traditions, Old Values at Heart of Makah's Clash over Whaling," *Seattle Times*, December 15, 1996. <http://community.seattletimes.nwsources.com/archive/?date=19961215&slug=2365045>.

<sup>129</sup> *Ibid.*

<sup>130</sup> Brenda Peterson, "Who Will Speak for the Whales? – Elders Call for a Spiritual Dialogue on Makah Tribe's Whaling Proposal," *Seattle Times*, December 22, 1996. <http://community.seattletimes.nwsources.com/archive/?date=19961222&slug=2366339>.

<sup>131</sup> Russell, "Tribal Tradition," 32.

<sup>132</sup> Hogan, "Silencing."

In Baja, I met what I was fighting for, face to face. A mother whale rose up out of those warm waters right under my hand. She looked me straight in the eye, mother to mother. Then I saw a harpoon scar on her side, probably from up north in Siberia where the native people still hunt the whales for sustenance. The mother brought her baby over to our little boat. I talked to them and I petted them. I felt their spirit of trust was somehow being conveyed to me. I laughed and I cried all the way back to shore, and all that night. I've never been the same since. When times get hard, I think of those great big wonderful beings.<sup>133</sup>

Thompson died in 2012. Her pastor “wept as he told the mourners at the packed church about her persecution.”<sup>134</sup>

While surveys indicated overwhelming support for whaling within the tribe, a closer look at the numbers suggests a significant minority opposed the resumption of whaling for a variety of reasons, but this opposition was *sub rosa*. One survey indicated that 95 percent of Makah respondents said they thought the tribe had the right to whale, but only 75 percent thought they should exercise this right.<sup>135</sup> Barton (2000) writes that most of those who opposed whaling in the survey were critical of the manner in which it was being conducted—that the hunters were not spiritually ready, that the federal government was dictating all of the terms—but that they were not necessarily outspoken about their views. She concludes: “[T]he vast majority of intra-tribal opposition was less visible than the media had portrayed.”<sup>136</sup>

Many Native American organizations and tribes viewed the whaling issue as a matter of sovereignty and strongly supported the Makah. The Northwest Indian Fisheries Commission and Affiliated Tribes of Northwest Indians voiced their support.<sup>137</sup> Members of the Nuu-Cha-Nulth tribes of Vancouver Island attended the Makah celebration after the 1999 hunt. On June 23, 2004, the National Congress of American Indians, the oldest and largest national organization of Native American and Alaskan Native tribal governments, passed a resolution supporting the Makah tribe’s right to whale.<sup>138</sup> Native scholars, too, celebrated the Makah’s resumption of whaling. For example, Robert Miller, an eastern Shawnee, wrote: “The tribe has exercised its sovereignty and its right of cultural self-determination and has taken on all comers and overcome all obstacles to do so.”<sup>139</sup> Other Native Americans disagreed, arguing that killing whales was not the right way to remedy past wrongs or assert sovereignty today. The First Nations Environmental Network issued an online statement which read: “Not all indigenous

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<sup>133</sup> Russell, “Tribal Tradition,” 31.

<sup>134</sup> Anderson et al., “Alberta.”

<sup>135</sup> Barton, “Red,” 247–248.

<sup>136</sup> *Ibid.*, 248.

<sup>137</sup> DEIS, 3-215.

<sup>138</sup> October 24, 2005 letter from Jacqueline Johnson, Executive Director of the National Congress of American Indians, to Kassandra Brown of NMFS, Northwest Region.

<sup>139</sup> Miller, “Tribal Cultural,” 145–146.

people support Makah whaling...While we respect Treaty Rights, this is political reason being used for killing and not a true meaning of need when it comes to the taking of another being's life."<sup>140</sup>

## Mutual disavowal in the Makah whaling conflict

In the heat of political struggle, the parties to the Makah whaling conflict disavowed the other sets of claims in play. There were partial exceptions to the rule, however. Cetacean Society International (CSI), for example, spoke out in favor of Makah sovereignty and treaty rights and tried to organize start-up funding for a Makah whale-watching business as an alternative to the whale hunt, and Earth Island Institute suggested that the U.S. government gives the Makah "a much larger land base; economic development grants; better health care; overall greater funding"<sup>141</sup> instead of granting them the right to whale. Both organizations attempted to signal that they were both pro-whale and pro-Makah and sought a solution to the conflict that was not zero-sum.<sup>142</sup> But neither organization could escape the dilemma that in rejecting the Makah's proposed remedy for the damage inflicted by colonialism and proposing other remedies, they were seen as continuing the colonial practice of imposing an external (Western) set of understandings upon the Makah. In the eyes of Makah leaders, friendly colonialism was still colonialism.

The most visible anti-whaling group, Sea Shepherd Conservation Society, did not recognize the Makah's rights or claims in any way and chose instead to adopt the defensive posture that its agenda and actions had "nothing to do with race." In its "Equality Statement," SSCS says that it "operates internationally without prejudice towards race, color, nationality, religious belief, or any other consideration except for an impartial adherence to upholding international conservation law to protect endangered marine species and ecosystems."<sup>143</sup> It then states:

Sea Shepherd operates outside the petty cultural chauvinism of the human species. Our clients are whales, dolphins, seals, turtles, sea-birds, and fish. We represent their interests...We are not anti-any nationality or culture. We are pro-Ocean and we work in the interests of all life on Earth.

SSCS leaders scoff at tribal, racial, and national concerns as narrow matters among humans, as "special interests," as a trivial distraction from the axis of power that really matters—that of human supremacy over animals. The universalistic language of

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<sup>140</sup> Peterson and Hogan, *Sightings*, 215–216.

<sup>141</sup> October 24, 2005 letter from Will Anderson, Earth Island Institute, International Marine Mammal Project, to Kassandra Brown of NMFS, Northwest Region.

<sup>142</sup> October 24, 2005 letter from William Rossiter, President of Cetacean Society International, to Kassandra Brown of NMFS, Northwest Region.

<sup>143</sup> [www.seashepherd.org/who-we-are/equality-statement.html](http://www.seashepherd.org/who-we-are/equality-statement.html).

equality, ecological health, and animal considerability is invoked to provide protection for nature and nonhuman animals—but at the expense of a racialized minority whose claims are derogated as particularistic and selfish.

It is not that SSCS is using eco-speak as a pretext for persecuting the Makah, then, but rather that it is advancing animal and ecological concerns in a way that manifestly trivializes concerns about tribal or racial justice. The history of colonialism and forced assimilation, of white encroachment upon Native fishing and hunting rights, of persistent anti-Indian racism and Makah marginalization—all of this is denied or elided. Moreover, SSCS declines to acknowledge that its own actions might aggravate racial problems by bringing anti-Indian public sentiment to the surface or giving succor to politicians like Jack Metcalf. Instead it insists that its practices are colorblind and its hands are clean.

Both animal protectionists and the Makah claim to revere and love the whale. At issue between them is whether reverence and love are consistent with killing the whale for food. At issue is the meaning of the killing—is it an exercise of unjust and unnecessary violence against another sentient being or is it the grateful acceptance of a gift from a kindred being in the context of the cycle of life and death? In trying to prohibit the hunt, animal and environmental protectionists disavowed (to varying degrees) Makah claims about racism and colonialism as well as Makah leaders' ontological claims about humans, whales, and nature.

Makah leaders and supporters, for their part, delegitimated the anti-whaling position and reduced it to a hatred of Indians or a desire to control them. They, too, chose not to approach the conflict as a confrontation of two reasonable but incommensurate views of whaling, but instead essentialized whaling opposition as racist and imperialist—as not really being about whales at all. In his “Open Letter to the Public from the President of the Makah Whaling Commission” (August 6, 1998), Keith Johnson writes: “We feel that the whaling issue has been exploited by extremists who have taken liberties with the facts in order to advance their agenda.” And Native scholar Charlotte Côté writes:

The vegan lifestyle is one that some people throughout the world have chosen to embrace, but it is ultimately a personal choice. We Native people do not want people who choose to live that way imposing their dietary rules on us, as this is just another form of cultural imperialism and food hegemony.<sup>144</sup>

Most whaling opponents said nothing about veganism so it may be that Côté raises the issue both because it powerfully evokes an image of Western privilege and because it allows her to depoliticize opposition to whaling as a “lifestyle” choice. Neither Johnson nor Côté acknowledges or attempts to reckon with an alternative ontology whereby

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<sup>144</sup> Côté, *Spirits*, 163.



respect entails protection and whereby the slaughtering of whales, who are seen as sentient beings and/or rights-bearing subjects, is an unjustifiable exercise of domination. This ontology, by virtue of being of Western origins, is dismissed as a product of and vehicle for colonialism.

The American public has in fact expressed growing concern about whales over the past several decades. In 1979, the U.S. Congress declared that “whales are a unique marine resource of great aesthetic and scientific interest to mankind” and that “the protection and conservation of whales are of particular interest to citizens of the United States.”<sup>145</sup> In 1993, Representative Gerry Studds introduced a House resolution (which passed unanimously) opposing the resumption of commercial whaling, stating: “[N]o other group of animals has so captured the imagination of the American people.”<sup>146</sup> A poll conducted by International Fund for Animal Welfare in 1997 showed that 80 percent of Americans oppose whale hunting.<sup>147</sup> The increasing popularity of whale watching, the success of the *Free Willy* movie franchise, television programs like *Whale Wars*, and public interest in real life rescue stories involving gray whales all confirm that Americans believe that whales are due some significant measure of moral consideration and protection.<sup>148</sup> There has been, therefore, a notable cultural shift in American attitudes toward whales in recent decades.

In Coté’s (2010) discussion of a “conservation burden,” she asks: “Why should our culture and traditions be sacrificed upon the altar of the non-Indian conscience to pay for the environmental sins of the dominant culture?”<sup>149</sup> Since it was not the Makah who brought various whale species to the point of extinction, why should they be asked to bear the conservation burden of not whaling now?<sup>150</sup> Viewed anthropocentrically, this question makes a good deal of sense—it goes straight to the question of justice among human communities. But viewed ecocentrically or biocentrically, this question make less sense—if killing whales is a bad idea, for ecological or ethical reasons, it is no less a bad idea when the Makah do it. Gillespie (1997) writes: “[T]he fact that earlier colonial cultures ruthlessly exploited Nature does not give cultures with a traditional interest in the exploitation of Nature the right to finish off the job.”<sup>151</sup> Indeed, one could equally

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<sup>145</sup> 16 USC 916 note, Public Law 96-60, August 15, 1979, cited in DEIS, 3-198.

<sup>146</sup> H.R. Con.Res. 34, 103d Cong. (1993). See Gillespie, “Ethical.”

<sup>147</sup> Leesteffy Jenkins and Cara Romanzo, “Makah Whaling: Aboriginal Subsistence or a Stepping Stone to Undermining the Commercial Whaling Moratorium?” *Colorado Journal of International Environmental Law and Policy* 9 (1998): 111.

<sup>148</sup> See Diana Wagner, “Competing Cultural Interests in the Whaling Debate: An Exception to the Universality of the Right to Culture.” *Transnational Law and Contemporary Problems* 14 (2004–2005): 831–864. For stories of the rescue of J.J. in California and the grays of Point Barrows, Alaska, see Peterson and Hogan (2002).

<sup>149</sup> Coté, *Spirits*, 192.

<sup>150</sup> The same type of question comes up in international discussions about the environment, with China and India asking why they should bear the conservation burden now when U.S. industrial development has long had a disproportionately adverse effect upon the environment.

<sup>151</sup> Gillespie, “Ethical,” 375.

ask, “Why should whales be sacrificed on the altar of Makah sovereignty and anti-colonialism?” Coté (2010) writes: “The anti-whaling groups saw the death of the whale through a Western cultural lens and thus ignored the spiritual and sacred elements attached to the Makah and Nuu-chah-nulth whaling tradition.”<sup>152</sup> One could also say the Makah whalers (and Coté) saw the death of the whale through a Makah cultural lens and thus ignored the perspective(s) of environmentalists, animal protectionists, and the broader public.

What about the perspective(s) of the grays themselves? The question of what gray whales themselves want is a vexed one, of course, since all human interpretations of whale interests and desires are culturally mediated and inescapably so. We do not know what it is like to be a gray whale, as Thomas Nagel would remind us. Contradictory ontological claims about gray whales emerged, raising the question of whale phenomenology. Do whales, as sentient and intelligent creatures with life stories and familial and social worlds of their own, prefer being alive to being chased, harpooned, shot, and killed? In part, this is a matter of observing their behavior. Gray whales either try to flee when they are first harpooned—buoys are attached to the harpoons to keep the whales from diving and escaping—or in some cases fight back by thrashing and overturning the canoe. In the days before motorboats and guns, gray whales would sometimes flee for days, harpoons and buoys attached, lanced and bleeding from various parts of their bodies, before collapsing from exhaustion. Grays in particular used to be known as “devilfish” among hunters because they resisted slaughter.

Paul Nadasdy (2007) rightly cautions against the Western habit of dismissing Native understandings as “beliefs” (that is, superstitions) constructed to rationalize the violence of hunting and urges us to take seriously the possibility that Native understandings might be right. But fully assessing (as opposed to simply endorsing) Makah understandings requires us to consider that they function to cleanse the taint of domination from the act of killing. They function to reconcile reverence for the animal with killing him/her. The whale is not chased down and violently slaughtered; the hunters entreat and perhaps cajole her into giving herself in a spiritual and reciprocal exchange between human and animal. Environmental and animal protectionists doubtless have a stake in their own ontology as well, but there is no compelling reason to declare that the Makah are exempt from the human proclivity for self-rationalization. Westerners should be open to the possibility that the Makah are right. Should the Makah be open to the possibility that they are wrong?

Both Western and Makah ontologies are all too human. Makah ontological understandings about humans, whales, and nature are no more “constructed” or provisional than Western ones, but no less so either. They, too, are products of the human power to describe and attribute meaning to phenomena within the theater of power. We are back to Renteln’s chicken once again, or the irreducibility of the animals’ own phenomenal world(s). Does it matter to the chicken if she is killed in a Santería ritual or

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<sup>152</sup> Coté, *Spirits*, 164–165.

by the slaughterhouse worker? Does it matter to the gray whale if she is killed by a Norwegian commercial whaling boat or a canoe of ritual-observant Makah hunters uttering prayers? It may be that a fully developed “ecology of selves,” in Eduardo Kohn’s (2007) words, will reveal the phenomenal world(s) of the gray whales to us. Until then, it may be prudent to err on the side of caution and act as though gray whales wish to live. Otherwise, we humans, Native and non-Native, run the risk of imposing our own systems of meaning upon those who lack the power to contradict us.

## Whaling and social domination

Renker (2012) and others speaking for the Makah argue that the resumption of whaling is the essential antidote to colonial domination. What whaling proponents are conspicuously silent about is that Makah whaling historically depended upon various patterns of internal domination relating to class/status and sex as well as species. Historically, Makah society was organized by descent group and ranked strata. Kin groups lived together in longhouses and were divided into chiefs or titleholders and commoners. Slaves acquired through trade, warfare, or purchase from neighboring tribes comprised the third, lowest stratum.<sup>153</sup> Whaling was the exclusive practice of chiefs, who inherited and owned both the physical equipment and ceremonial rituals and songs associated with the practice, and it was a crucial mechanism for shoring up their power and authority. Swan (1869) writes: “[I]t was considered degrading for a chief, or the owner of slaves to perform any labor except hunting, fishing, or killing whales.”<sup>154</sup> By killing whales, chiefs demonstrated that they were gifted and worthy of the favor of the spirits. “Killing a whale,” Côté (2010) writes, “was considered the highest glory: the more whales a chief caught, the more prestige, respect, and physical wealth he received, thus serving to elevate his status and position inside and outside his village or social group.”<sup>155</sup> The butchering of the whale and the distribution of meat followed strict guidelines that reflected the social hierarchy within the tribe. Whale meat and whale oil were also used for consumption and distribution at potlatches, ceremonies that expressed and enhanced a chief’s power over rivals, commoners, and slaves.

According to Donald (1997), slavery played a vital role in Northwest Coast tribal cultures and economies, including the Makah’s:

Titleholders were able to undertake prestige-producing activities because they could control and manage resources and labor to produce the food and other goods and free the time needed for such activities...[S]lavery

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<sup>153</sup> James Swan, “Indians of Cape Flattery.” *Smithsonian Contributions to Knowledge*, Vol. XVI (Washington, DC: Smithsonian Institution, 1869).

<sup>154</sup> Swan, “Indians,” 10–11.

<sup>155</sup> Côté, *Spirits*, 23.

was essential...because only slaves made it possible for titleholders—the exemplars of Northwest Coast culture—to live and act as titleholders.<sup>156</sup>

The labor of slaves, in other words, helped to underwrite the whaling exploits of chiefs. Slave status in Makah society was hereditary and slaves had no rights or privileges because they did not have membership in any kin groups. They were the property of their owners—exploited for their labor, traded for other goods, given as gifts, destroyed to demonstrate wealth and power. Slaves were sometimes killed during the funerals of Makah chiefs “both to accompany the deceased as servants in the next world and to show the power of the heir.”<sup>157</sup> Among the many rituals whalers practiced, one involved draping a corpse across one’s body as a charm to gain spirit power.<sup>158</sup> Parts of a deceased whaler’s body were especially favored, but sometimes, according to Curtis (1916), a small child was killed for this purpose, presumably a slave.<sup>159</sup>

The link between social hierarchy and whaling was sufficiently strong that when assimilation policies, disease, and other factors disrupted social structure, whaling became increasingly infeasible. The (selectively) egalitarian ideology of U.S. government agents also played a role: “For example, the American philosophy of social equality made it difficult for Makahs to select crew members and organize whaling canoes, and therefore households, according to the ancestral patterns.”<sup>160</sup> In 1855, the U.S. government inserted into the Treaty of Neah Bay an article prohibiting slavery on the Makah reservation. Article XII states: “The said tribe agrees to free all slaves now held by its people, and not to purchase or acquire others hereafter.” Subsequently, as Colson (1953) relates, “[T]he social status of the former slaves was ignored by [U.S. government] agents who attempted to treat all Makah as though they were on the same social level” and forbade “discrimination along the lines of status institutionalized in Makah society.”<sup>161</sup> Although slavery did not end completely for several decades, these actions initiated its decline. “The presence of white men has exerted a salutary influence in this respect,” Swan (1869) writes, “and the fear of being held responsible renders [the Makah] more gentle in their deportment to their slaves.”<sup>162</sup> Ironically, then, slavery and social inequality were mitigated within Makah society through the imposition of colonial power on the part of a federal government that was itself a slave state (until the

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<sup>156</sup> Leland Donald, *Aboriginal Slavery on the Northwest Coast of North America* (Berkeley: University of California Press, 1997), 311.

<sup>157</sup> Donald, *Aboriginal*, 34. See also Swan, “Indians,” 10.

<sup>158</sup> Erna Gunther, “Reminiscences of a Whaler’s Wife.” *The Pacific Northwest Quarterly* 33, no. 1 (January 1942): 65–69.

<sup>159</sup> Edward S. Curtis, “The Nootka. The Haida.” *The North American Indian: Being a Series of Volumes Picturing and Describing the Indians of the United States, and Alaska*, edited by Frederick Webb Hodge. Vol. 11, 1916 ([Seattle]: [Cambridge, USA: E. S. Curtis, The University Press], 1907–30), 39.

<sup>160</sup> Renker, “Whale,” 40.

<sup>161</sup> Colson, *The Makah*, 15.

<sup>162</sup> Swan, “Indians,” 54.

mid-1860s). While the requisite social structure for whaling was being dismantled, the “more egalitarian pursuit of sealing”<sup>163</sup> was open to all regardless of family or inherited privileges and displaced whaling among the Makah by the late 1800s.

As Gaard (2001) indicates, Makah whaling also reinforced traditional sex relations within the tribe. Women could not be chiefs and therefore could not whale. If a whaler’s wife was menstruating at the time of the hunt, she was not allowed to touch the gear or come near him.<sup>164</sup> During the hunt, she was required to lie silent and motionless and to go without food or water so that the whale would stay calm and not swim out to sea:

[D]uring the hunt, the whaler’s wife would act as if she had become the whale. Her movements would determine the behavior of the whale—if she moved about too much, the whale her husband was hunting would be equally active and difficult to spear; if she lay quietly, the whale would give itself to her husband. Towing chants often reflected this association, and the whalers addressed the dead carcass using a term that refers to a chief’s wife.<sup>165</sup>

The woman was animalized, the animal feminized. The chief demonstrated his greatness by exercising mastery over whale, woman, and nature. In this scenario, women sometimes bore the blame for the failure of the hunt. One whaler’s wife recalled what happened after she ate and drank a bit during a hunt: “When my husband came back he walked up to me and said, ‘You drank something when you got up; we got a whale but he is not fat.’ This frightened me very much and after that I never drank anything again.”<sup>166</sup>

Makah tribal leaders argue that whaling will restore social order and unity. Do they mean to suggest that it will reinvigorate the stabilizing social hierarchies of the past? Might the resumption of whaling reinforce old status distinctions among Makah families and sharpen inequalities between men and women in the tribe? In a gesture of democratic intent, the tribe invited all Makah families to participate in the Makah Whaling Commission in the 1990s, but this did not prevent concerns about family prerogatives and status from emerging in force. Dougherty (2001) reports that power struggles emerged over the composition of the 1999 whaling crew and that some members of the chosen crew “despised each other.” Van Ginkel (2004) adds:

There was even greater animosity as to who was to be the captain of the whaling team...[Harpooner Theron Parker] and [Wayne] Johnson could not get along with each other, to put it mildly, but they finally worked out some kind of *modus vivendi* although the crew remained ‘bitterly divided.’<sup>167</sup>

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<sup>163</sup> Renker, “Whale,” 39.

<sup>164</sup> Gunther, “Reminiscences.”

<sup>165</sup> DEIS, 3-228.

<sup>166</sup> Gunther, “Reminiscences,” 68.

<sup>167</sup> Van Ginkel, “The Makah,” 66.

Parker and Johnson argued over whose family sacred whaling song would be sung when the whale was beached. Johnson recalled:

I told Theron there was going to be no family songs and dances...I didn't want just one family to take the glory. So when we got on the beach, he down-feathered it, claimed it with eagle feathers, sang his songs...I didn't want that to happen.<sup>168</sup>

When Parker then took the first cut of whale meat, Johnson bristled again: "That was my job to do that. Not his job. It's not his whale. It's my whale."<sup>169</sup>

There are also signs that the gendered aspects of whaling would persist. Makah women were excluded from the whaling crew in the 1999 hunt. Denise Dailey, a Makah Fisheries biologist, was appointed to be Executive Director for the hunt, but "[b]ecause she was a woman, the [Makah whaling] commission insisted that she not speak for the crew, so Keith Johnson, the president of the whaling commission, was dubbed the spokesman for the hunt." Dailey remarked: "I'll never hunt a whale because I'm a woman and I'm okay with that."<sup>170</sup> Prior to the hunt, women were instructed about the historic rituals of lying silent and motionless and the "wives, partners, and mothers of the crew" chose to do this.<sup>171</sup> Also,

a group of young girls from the Neah Bay school went to their teacher and asked if they could take ten minutes to lie still and be quiet and pray while the hunt was taking place, because they had been told that that was historically what young women in the community did.<sup>172</sup>

In one of Renker's surveys, of the few who opposed the hunt, some cited "the inequality of women's involvement in the hunt" as a reason.<sup>173</sup> Gaard (2001) suggests a connection between the masculinist, elitist aspects of whaling and "the tribe's current practices of silencing the dissenting voices of women elders who oppose the renewed hunt."<sup>174</sup> As Dottie Chamblin said, "It's grandmothers fighting this fight against them."<sup>175</sup> The argument over Makah whaling has been structured publicly as an argument between those concerned about colonial domination over the Makah and those concerned about human domination over animals. Perhaps the intimate connection of

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<sup>168</sup> John Dougherty, "After a 70-year Hiatus and a Confrontation with the World, the Makah Tribe Resumes Its Communion with the Gray Whale." San Francisco Resurrection, July 11, 2001. [www.sfweekly.com/content/printVersion/312202/](http://www.sfweekly.com/content/printVersion/312202/).

<sup>169</sup> Dougherty, "After."

<sup>170</sup> Sullivan, "After," 89.

<sup>171</sup> Renker, "Whale," 33. See also Bowechop (2004).

<sup>172</sup> Coté, *Spirits*, 141.

<sup>173</sup> DEIS, 3-242 citing Renker (2002).

<sup>174</sup> Greta Gaard, "Tools for a Cross-Cultural Feminist Ethics: Exploring Ethical Contexts and Contents in the Makah Whale Hunt." *Hypatia* 16, no. 1 (Winter 2001): 16.

<sup>175</sup> Peterson, "Who Will Speak."

Makah whaling to other forms of social domination and inequality should figure in this debate as well.

## Critique and avowal

The dilemma facing Cetacean Society International and Earth Island Institute, I mentioned above, was that their opposition to Makah whaling was taken as *de facto* evidence of colonial intent, regardless of their public stance calling for the federal government to redress the injuries inflicted upon the tribe by colonialism. The member of the public who sent this email to the NMFS during the October 2005 scoping period was also trying to be both pro-whale and pro-Makah:

I strongly believe that the United States Government has broken most of the treaties it has negotiated with Native Americans and many administrations in the 1800s were guilty of ethnic cleansing and genocide. I am generally in favor of giving Native American tribes the benefit of the doubt in most of their claims against state and federal governments. However, when it comes to whale hunting I believe that their traditions and treaties cannot take precedence over the lives of intelligent, self-aware animals such as whales.<sup>176</sup>

Is it possible to critique a specific Makah practice (and the understandings associated with it) in the name of anti-subordination and still meaningfully support Makah claims to sovereignty and redress? Can one argue against whaling and still be anti-colonialist? One might respond that the Makah's ontology is central to their way of life so that a rejection of its implications for whaling is, in effect, a rejection of the entire Makah way of being. But, as discussed below, other Pacific Northwest tribes with similar ontologies have elected to observe a continued moratorium on whaling and have not found their ways of life significantly compromised. For if Native American/Canadian ontologies hold whaling to be morally and spiritually permissible, they do not deem it morally or spiritually compulsory.

In the Makah whaling conflict, multi-optic analysis helps us to perceive clearly the varied perspectives, claims, and stakes involved. This does not have to lead to political or moral paralysis, but it should contour political action in particular ways. Thus seeing multi-optically would not necessarily stop someone from opposing Makah whaling (on anti-subordination grounds), but it would influence them to do so in a way that respected rather than denied the colonial context. Thoughtful critique of a racially marginalized group can be joined, then, to a posture of avowal toward that group's moral and political claims toward the larger society.

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<sup>176</sup> August 27, 2005 email from a private individual to the NOAA during the period of public scoping for the DEIS.

In this scenario, animal and environmental activists who chose to fight the resumption of Makah whaling would begin by recognizing their own racial situatedness and its implications for this story. They would learn about and respectfully engage Makah ontological claims about humans and whales, even if they ultimately disagreed with these claims and their implications. They would educate themselves deeply on the history of U.S. colonialism toward the Makah; think through the ongoing economic, social, and psychological effects of past and present governmental policies on the tribe; repudiate (rather than allying themselves with) the organized white political and economic interests who continuously seek to encroach on tribal fishing and hunting rights; actively condemn anti-Indian sentiments expressed by the public; and promote the Makah struggle for sovereignty and redress. They would connect the historical practices of colonialism with the violence against whales they are trying to curtail, while thinking through the impact of their activism on both. Rather than treating the question of whaling as an isolated issue that can be detached from the context of U.S.-Makah relations, they would situate the critique of whaling within a larger framework of justice that challenges multiple, interconnected forms of domination (including colonial domination) at once.

In this scenario, Makah leaders would not presumptively reduce all alternative perspectives to colonialism. They would take seriously and engage environmental and animal advocates' understandings and claims about both the ecological status of whales and what whales deserve and want, as well as learning about the long history of global activism to protect whales and the American public's growing concern about their protection. They would reflect upon the connections between colonialism and the mastery of nature and animals and question whether their own cultural understandings, too, might bear traces of domination (and self-rationalization). Rather than focusing exclusively on Côté's argument about the unfair "conservation burden" placed on the Makah, they would be open to assessing the possibly destructive implications of whaling, in particular the precedential dangers of stretching the ASW exemption in international conservation law.<sup>177</sup> Precisely because their culture is dynamic and living and evolving, they would consider and debate whether the fight for Makah sovereignty might be productively uncoupled from the issue of whaling, as Alberta Thompson and the other dissenting elders suggested. They would not need to repudiate their ontology or cultural understandings or tribal sovereignty to consider whether whaling is, all told, a practice worth resuming.

There are precedents for deciding that it is not. Down the coast of Washington from Neah Bay, the Quileute Tribal Council in La Push passed a resolution to not whale in 1988. Fred Woodruff, a member of the Quileute, hopes to build a whale watching business using traditional whaling canoes. He comments:

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<sup>177</sup> In response to the Makah's attempt to resume whaling, the Nuuchah-nulth tribe created the World Council of Whalers, an aboriginal lobbying group which receives funding from whaling nations like Japan and Norway and seeks to loosen IWC restrictions. Jenkins and Romanzo, "Makah Whaling," 76, no. 11.



Our tribe fully supports our Makah neighbors in their treaty rights. But our Quileute elders have made a different decision. Even though we and other tribes along the coast have the same treaty rights to hunt, our elders have chosen to support the gray whale. For thousands of years, this whale has been valuable under subsistence, but now the value is in its life. The gray whale is more valuable to the Quileutes living than hunted. We must begin the healing here in our village and hope it can help others, as well. We Quileutes would like to offer a new vision and a different model for other tribes, as well as peoples.<sup>178</sup>

Fred's brother, tribal chairman Russell Woodruff, adds:

We see the damage of what's taking place in Makah. Our neighbors do not own the story of the gray whales...The Quileute tribe would like to declare a Welcoming the Whale spring ceremony and invite all peoples to come celebrate the gray whales.<sup>179</sup>

In 2006, five groups of Nuu-Chah-Nulth on Vancouver Island (peoples who are closely related culturally and linguistically to the Makah) came together under the name Maa-Nulth and signed a historic treaty with the Canadian and British Columbia governments. The Maa-Nulth receive more than 24,000 hectares of land, \$90 million in cash, up to \$45 million for potential revenue sharing projects, and \$150 million for program financing.<sup>180</sup> In a side agreement, they promise not to hunt gray or sei whales for 25 years. The Maa-Nulth thus pursued reparations and redress while also protecting their right to whale—and they have chosen not to exercise this right, at least for the time being.

In this chapter, I have analyzed the Makah whaling controversy, tracing the history of the dispute and explicating the optics of ethical harm, ecological harm, and ecocolonialism. I discussed how the parties to the conflict advanced incommensurate ontologies about humans, whales, and nature, and how they disavowed one another's claims in the course of political struggle. I then suggested that animal and environmental activists can critique Makah whaling mindfully, that is, in a way that engages and takes seriously the Makah's ontology and tribal justice claims. I also argued that the Makah, for their part, can move toward opening themselves to animal and environmental protectionist claims, building upon the example of some other Native American tribes and Canadian First Nations.

The question has arisen whether non-Alaskan natives would, in the near future, pursue traditional whaling and sealing activities. To date, only the Makah Tribe has expressed such an interest, but it is unclear at this time whether they would be interested in pursuing open-boat whaling or could satisfy subsistence and/or cultural needs

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<sup>178</sup> Peterson and Hogan, Sightings, 190–191.

<sup>179</sup> Ibid., 199.

<sup>180</sup> "Maa-nulth First Nations Sign Historic B.C. Treaty."

by other means. For any Native American group to begin harvesting large whales, they would need to demonstrate a subsistence need and request (through the Bureau of Indian Affairs) the U.S. Commissioner to the IWC to petition that body for a portion of the subsistence quota for gray whales. Such a scenario is considered unlikely at this time.

U.S. Department of Commerce, National Oceanic and Atmospheric Association, National Marine Fisheries Service, "Endangered Fish and Wildlife; Gray Whale," 3132.

## References

Alter, S. E., et al. "DNA Evidence for Historic Population Size and Past Ecosystem Impacts of Gray Whales." *Proceedings of the National Academy of Sciences, USA* 104 (2007): 15162–15167.

Alter, S. E., et al. "Have Gray Whales Recovered From Whaling?" *Lenfest Ocean Program Research Series*, August 2007. [www.stanford.edu/group/Palumbi/PNAS/LenfestRS.pdf](http://www.stanford.edu/group/Palumbi/PNAS/LenfestRS.pdf).

Anderson, Will, et al. "Alberta Nora 'Binki' Thompson, Defender of Whales." *Animal Welfare Institute Quarterly*, Summer 2012. [http://awionline.org/awi-quarterly/2012-summer/alberta-nora-\"binki\"-thompson-defender-whales](http://awionline.org/awi-quarterly/2012-summer/alberta-nora-\).

Barton, Karen. "Red Waters': Contesting Marine Space as Indian Place in the U.S. Pacific Northwest." *Dissertation in Department of Geography and Regional Development*, The University of Arizona, Tucson, 2000.

Beck, Alma Soongi. "The Makah's Decision to Reinstate Whaling: When Conservationists Clash with Native Americans over an Ancient Hunting Tradition." *Journal of Environmental Law and Litigation* 11 (1996): 359–412.

Blow, Richard. "The Great American Whale Hunt." *Mother Jones*, September/October 1998.

Bradford, William. "'Save the Whales' v. Save the Makah: Finding Negotiated Solutions to Ethnodevelopmental Disputes in the New International Economic Order." *St. Thomas Law Review* 13 (2000–2001): 155–220.

Burns, William. "The International Whaling Commission and the Future of Cetaceans: Problems and Prospects." *Colorado Journal of International Environmental Law & Policy* 8 (1997): 31–88.

Colson, Elizabeth. *The Makah Indians: A Study of an Indian Tribe in Modern American Society*. Minneapolis: University of Minnesota Press, 1953.

Coté, Charlotte. *Spirits of Our Whaling Ancestors: Revitalizing Makah & Nuuchahnulth Traditions*. Seattle: University of Washington Press, 2010.

Curtis, Edward S. "The Nootka. The Haida." In *The North American Indian: Being a Series of Volumes Picturing and Describing the Indians of the United States, and Alaska*, edited by Frederick Webb Hodge. Vol. 11, 1916. [Seattle]: [Cambridge: E. S. Curtis, The University Press], 1907–30.

Donald, Leland. *Aboriginal Slavery on the Northwest Coast of North America*. Berkeley: University of California Press, 1997.

Dougherty, John. "After a 70-year Hiatus and a Confrontation with the World, the Makah Tribe Resumes Its Communion with the Gray Whale." *San Francisco Resurrection*, July 11, 2001. [www.sfweekly.com/content/printVersion/312202/](http://www.sfweekly.com/content/printVersion/312202/).

Eaton, David. "Incorporating the Other: Val Plumwood's Integration of Ethical Frameworks." *Ethics & the Environment* 7, no. 2 (2002): 153–180.

Erikson, Patricia. "A-Whaling We Will Go: Encounters of Knowledge and Memory at the Makah Cultural and Research Center." *Cultural Anthropology* 14, no. 4 (1999): 556–583.

Firestone, Jeremy and Jonathan Lilley. "Aboriginal Subsistence Whaling and the Right to Practice and Revitalize Cultural Traditions and Customs." *Journal of International Wildlife Law & Policy* 8, nos. 2–3 (2005): 177–219.

Gaard, Greta. "Tools for a Cross-Cultural Feminist Ethics: Exploring Ethical Contexts and Contents in the Makah Whale Hunt." *Hypatia* 16, no. 1 (Winter 2001): 1–26.

Gillespie, Alexander. "The Ethical Question in the Whaling Debate." *The Georgetown International Environmental Law Review* 9 (1997): 355–387.

Gorman, Richard William, Jr. "Whales, Guns, and Money? How Commercial and Ideological Considerations Influenced The Seattle Times Portrayal of the Makah Whale Hunt." *Masters Thesis in American Indian Studies*, University of Arizona, Tucson, 2000.

Gottlieb, Paul. "Ten Years Today after Historic Hunt, Makah Wait to Whale Again." *Peninsula Daily News*, May 17, 2009. [www.peninsuladailynews.com/article/20090517/news/305179997](http://www.peninsuladailynews.com/article/20090517/news/305179997).

Gunther, Erna. "Reminiscences of a Whaler's Wife." *The Pacific Northwest Quarterly* 33, 1, January 1942, 65–69.

Hawkins, Ronnie. "Cultural Whaling, Commodification, and Culture Change." *Environmental Ethics* 23, Fall 2001, 287–306.

Hodges, Brian Trevor. "The Cracking Façade of the International Whaling Commission as an Institution of International Law: Norwegian Small-Type Whaling and the Aboriginal Subsistence Exemption." *Journal of Environmental Law & Litigation* 15 (2000): 295–328.

Jenkins, Leesteffy and Cara Romanzo. "Makah Whaling: Aboriginal Subsistence or a Stepping Stone to Undermining the Commercial Whaling Moratorium?" *Colorado Journal of International Environmental Law and Policy* 9 (1998): 71–114.

Krech, Shepard. *The Ecological Indian: Myth and History*. New York: W. W. Norton & Company, 1999.

Miller, Robert. "Tribal Cultural Self-Determination and the Makah Whaling Culture." In *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination*, edited by Joanne Barker, 123–151. Lincoln: University of Nebraska Press, 2005.

Makah Tribal Council. "Application for a Waiver of the Marine Mammal Protection Act Take Moratorium to Exercise Gray Whale Hunting Rights Secured in the Treaty of Neah Bay." February 11, 2005.

Mapes, Lynda. "2 Makahs Get Jail Time for Killing Whale." *Seattle Times*, June 30, 2008. [http://seattletimes.com/html/localnews/2008026348\\_webmakah30m.html](http://seattletimes.com/html/localnews/2008026348_webmakah30m.html).

Marino, Lori, et al. "Cetaceans Have Complex Brains for Complex Cognition." *PloS Biology* 5, (May 15, 2007). [www.plosbiology.org/article/info%3Adoi%2F10.1371%2Fjournal.pbio.0050](http://www.plosbiology.org/article/info%3Adoi%2F10.1371%2Fjournal.pbio.0050)

Martello, Marybeth. "Negotiating Global Nature and Local Culture: The Case of Makah Whaling." In *Earthly Politics: Local and Global in Environmental Governance*, edited by Sheila Jasanoff and Marybeth Long Martello, 263–284. Cambridge, MA: MIT Press, 2004.

Miller, Arthur. "Anti-Racist Emergency Action Network Statement on Sea Shepherd and Jack Metcalf." June 6, 1999. [www.mail-archive.com/nativenews@mlists.net/msg02969.html](http://www.mail-archive.com/nativenews@mlists.net/msg02969.html).

Nadasdy, Paul. "The Gift in the Animal: The Ontology of Hunting and Human-Animal Sociality." *American Ethnologist* 34, no. 1 (February 2007): 25–43.

Peterson, Brenda. "Who Will Speak for the Whales? – Elders Call for a Spiritual Dialogue on Makah Tribe's Whaling Proposal." *Seattle Times*, December 22, 1996. <http://community.seattletimes.nwsourc.com/archive/?date=19961222&slug=2366339>.

Peterson, Brenda and Linda Hogan. *Sightings: The Gray Whales' Mysterious Journey*. Washington, DC: National Geographic, 2002.

Pyenson, Nicholas and David Lindberg. "What Happened to Gray Whales during the Pleistocene? The Ecological Impact of Sea-Level Change on Benthic Feeding Areas in the North Pacific Ocean." *PloS ONE* 6, no. 7 (July 6, 2011). [www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0021295](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0021295).

Plumwood, Val. "Integrating Ethical Frameworks for Animals, Humans, and Nature: A Critical Feminist Eco-Socialist Analysis." *Ethics & the Environment* 5, no. 2 (2000): 285–322.

Ranlet, Philip. "The British, the Indians, and Smallpox: What Actually Happened at Fort Pitt in 1763?" *Pennsylvania History* 67, no. 3 (Summer 2000): 427–441.

Renker, Ann. "Whale Hunting and the Makah Tribe: A Needs Statement." May 2012.

Russell, Dick. "Tribal Tradition and the Spirit of Trust: A Makah Elder Speaks Out for the Gray Whale." *The Amicus Journal* (Spring 1999): 29–32.

Schmidt, Sarah. "The One That Got Away." *Saturday Night* 114, no. 2 (1999): 78–84. "Documents Show Makah Eyed Commercial Whaling: Only at First, But Tribe Keeps It as an Option." *Globe and Mail*. October 24, 1998.

Sepez, Jennifer. "Treaty Rights and the Right to Culture: Native American Subsistence Issues in US Law." *Cultural Dynamics* 14, no. 2 (July 2002): 143–159.

Seibert, Charles. "What Are the Whales Trying to Tell Us?" *The New York Times Magazine*, July 12, 2009, 26–35, 44–45.

Simmonds, Mark Peter. "Into the Brains of Whales." *Applied Animal Behaviour Science* 100 (2006): 103–116.

Swan, James. "Indians of Cape Flattery." *Smithsonian Contributions to Knowledge*, vol. XVI. Washington, DC: Smithsonian Institution, 1869.

Swartz, Steven. "Gray Whale Migratory, Social and Breeding Behavior." *Report of the International Whaling Commission (Special Issue 8)* (1986): 207–229.

Tizon, Alex and Jack Broom. "McCaw Trying to 'Buy Off' Whale Hunt? – Aide to Billionaire in Talks with Makah Tribal Leaders." *Seattle Times*, November 12, 1998. <http://community.seattletimes.nwsourc.com/archive/?date=19981112&slug=2783071>.

Van Ginkel, Rob. "The Makah Whale Hunt and Leviathan's Death: Reinventing Tradition and Disputing Authenticity in the Age of Modernity." *Etnofoor* 17, no. 1/2 (2004): 58–89.

Wagner, Diana. "Competing Cultural Interests in the Whaling Debate: An Exception to the Universality of the Right to Culture." *Transnational Law and Contemporary Problems* 14 (2004–2005): 831–864.

Wagner, Eric. "Savage Disobedience: A Renegade Whaler Rocks the Boat in the Makah Struggle for Cultural Identity." *Orion Magazine*, November/December 2009. [www.orionmagazine.org/index.php/articles/article/5101/](http://www.orionmagazine.org/index.php/articles/article/5101/).

Watters, Lawrence and Connie Dugger. "The Hunt for Gray Whales: The Dilemma of Native American Treaty Rights and the International Moratorium on Whaling." *Columbia Journal of Environmental Law* 22 (1997): 319–352.

Westneat, Danny. "Washington's 19th-Century Man – Jack Metcalf's Days in Congress Are Numbered, Along with the Spirit of an Older Northwest." *Seattle Times*, September 5, 1999. <http://community.seattletimes.nwsourc.com/archive/?date=19990905&slug=2981040>.

U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service. "Endangered Fish and Wildlife; Gray Whale." *Federal Register* /Vol. 56, No. 226/Friday, November 22, 1991/Notices.

U.S. Department of Commerce, National Oceanic and Atmospheric Administration. "Notice of Intent to Terminate the Existing Draft Environmental Impact Statement and Prepare a New Environmental Impact Statement." *Federal Register* /Vol. 77, No. 98/Monday, May 21, 2012/Notices.

U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Northwest Region. "Draft Environmental Impact Statement for Proposed Authorization of the Makah Whale Hunt." May 2008.

## **Section II. Revisiting the stereotypes of Indigenous peoples' relationships with animals**

## 4 Veganism and Mi'kmaq legends

Margaret Robinson

This chapter proposes a postcolonial ecofeminist reading of Mi'kmaq legends as the basis for a vegan diet rooted in Indigenous culture. I refer primarily to veganism throughout this work because unlike vegetarianism, it is not only a diet but a lifestyle that, for ethical reasons, eschews the use of animal products. Constructing an Indigenous veganism faces two significant barriers—the first being the association of veganism with whiteness.

In a joke at the beginning of his documentary, *Redskins, Tricksters and Puppy Stew*, Ojibwa playwright Drew Hayden Taylor asks, “What do you call a Native vegetarian?” His answer is: “A very bad hunter.” The implication is that for an Indigenous person, choosing a non-meat diet is a kind of failure. In *Stuff White People Like*, satirical author Christian Lander portrays veganism as a tactic for maintaining white supremacy. He writes, “As with many white-people activities, being vegan/vegetarian enables them to feel as though they are helping the environment and it gives them a sweet way to feel superior to others.”<sup>1</sup> Ecologist Robert Hunter depicts vegans as “Eco-Jesuits” and “veggie fundamentalists,” who “force Natives to do things the white man’s way.”<sup>2</sup> By projecting white imperialism onto vegans, Hunter enables white omnivores, such as himself, to bond with Indigenous people over meat-eating. When veganism is constructed as white, Indigenous people who eschew the use of animal products are depicted as sacrificing our cultural authenticity. This presents a challenge for those of us who view our veganism as ethically, spiritually, and culturally compatible with our Indigeneity.

A second barrier to Indigenous veganism is the portrayal of veganism as a product of class privilege. Opponents claim that a vegan diet is an indulgence since the poor (among whom Indigenous people are disproportionately represented) must eat whatever is available, and cannot afford to be so picky. This argument assumes that highly processed specialty products make up the bulk of a vegan diet. Such an argument also overlooks the economic and environmental cost of meat, and assumes that the subsidized meat and dairy industries in North America are representative of the world.

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<sup>1</sup> Christian Lander, *Stuff White People Like: The Definitive Guide to the Unique Taste of Millions* (New York: Random House, 2008), 38.

<sup>2</sup> R. Hunter Red, *Blood: One (Mostly) White Guy’s Encounters with the Native World* (Toronto: McClelland & Stewart, 1999), 100–113.

My proposal is not that we replace a vibrant traditional food culture with one associated with privileged white culture. The eating habits of the majority of the Mi'kmaq have already been colonized, and are further complicated by poverty. As a participant in Bonita Lawrence's study of mixed-blood urban Native identity explained, "people have been habituated to think that poverty is Native—and so your macaroni soup and your poor diet is Native."<sup>3</sup> Lack of access to nutrient-rich foods is a problem Indigenous people have in common with other racialized and economically oppressed groups. Konju Briggs Jr. argues, "In the US, poor communities of color are often bereft of access to fresh healthy foods, and disproportionately find themselves afflicted with the diseases of Western diets and lifestyles." He identifies this as a tactic of class warfare, aimed at "keeping the most chronically impoverished from being able to be healthy, long-lived and highly functioning, and from excelling as human beings."<sup>4</sup> Several researchers (e.g., Johnson, Travers, and the Mi'kmaq Health Research Group) have noted that the reserve system has begotten a diet high in sugar and carbohydrates and low in protein and fibre. As a result, Mi'kmaq people have seen a serious increase in diabetes mellitus, and gallstones. Professor of human ecology, Kim Travers, cites three causes of nutrient-poor diet among the Mi'kmaq: low income; lack of access to transportation; and reserve land unsuitable for agriculture, fishing, or hunting. Travers notes that Mi'kmaq people living on reserve are often limited to eating highly processed protein such as peanut butter, wieners, or bologna.

Traditionally, the Mi'kmaq diet was meat-heavy, consisting of beaver, fish, eel, birds, porcupine, and sometimes larger animals such as whales, moose, or caribou, supplemented by vegetables, roots, nuts, and berries. The use of animals as food also figures prominently in our Mi'kmaq legends. Food production is gendered in Mi'kmaq culture. While women were trained in food gathering, cleaning, and preparation, hunting was a traditionally male activity connected with the maintenance of virility. The killing of a moose acted as a symbol of a boy's entry into manhood.<sup>5</sup> To reject such practices undercuts methods of male Mi'kmaq identity construction. Yet the context in which this identity develops has changed significantly since the arrival of the European colonialists. Meat, as a symbol of patriarchy shared with colonizing forces, arguably binds us with white colonial culture to a greater degree than practices such as veganism, which, although overwhelmingly white itself, is far from hegemonic.

Carol J. Adams argues that the creation of meat as a concept requires the removal from our consciousness of the animal whose dead body we are redefining as food. Adams writes:

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<sup>3</sup> Bonita Lawrence, "Real" Indians and Others: Mixed-Blood Urban Native Peoples and Indigenous Nationhood (Vancouver: University of British Columbia Press, 2004), 235.

<sup>4</sup> Konju Briggs Jr. "Veganism Is a Revolutionary Force in the Class War." *The Scavenger*, September 12, 2010, 28. [www.thescavenger.net/animals/veganism-is-a-revolutionaryforce-in-the-class-war-32867.html](http://www.thescavenger.net/animals/veganism-is-a-revolutionaryforce-in-the-class-war-32867.html).

<sup>5</sup> Wilson Dallam Wallis and Ruth Otis (Sawtell) Wallis, *The Micmac Indians of Eastern Canada* (Minneapolis: University of Minnesota press, 1955), 255.



The function of the absent referent is to keep our “meat” separated from any idea that she or he was once an animal...to keep something from being seen as someone. Once the existence of meat is disconnected from the existence of an animal who was killed to become that “meat,” meat becomes unanchored by its original referent (the animal) becoming instead a free-floating image, used often to reflect women’s status as well as animals.<sup>6</sup>

While evident in the fur trade, the fishing industry, and factory farming, the detachment that Adams describes is not foundational to the Mi’kmaq oral tradition. In our stories, the othering of animal life that makes meat-eating psychologically comfortable is replaced by a model of creation in which animals are portrayed as our siblings. Mi’kmaq legends view humanity and animal life as being on a continuum, spiritually and physically. Animals speak, are able to change into humans, and some humans marry these shapeshifting creatures and raise animal children.<sup>7</sup> Human magicians may take animal form, some people may transform into their *teomul*, or totem animal, and still others are changed into animals against their wishes.<sup>8</sup> An ecofeminist exegesis of Mi’kmaq legends enables us to frame veganism as a spiritual practice that recognizes that humans and other animals possess a shared personhood.

Mi’kmaq legends portray human beings as intimately connected with the natural world, not as entities distinct from it. Glooscap is formed from the red clay of the soil and initially lacks mobility, remaining on his back in the dirt.<sup>9</sup> His grandmother was originally a rock, his nephew sea foam, and his mother a leaf. In “Nukumi and Fire,” the Creator makes an old woman from a dew-covered rock. Glooscap meets her and she agrees to become his grandmother, providing wisdom for him if he will provide food for her. Nukumi explains that as an old woman meat is necessary for her because she cannot live on plants and berries alone. Glooscap calls to Marten, and asks him to give

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<sup>6</sup> Carol J. Adams, *The Sexual Politics of Meat* (10th Anniversary Ed.) (New York: Continuum, 1990), 14–15.

<sup>7</sup> See, for example, “The Magical Coat, Shoes and Sword,” and “The History of Usitebulajoo,” in Silas Rand’s *Legends of the Micmacs*. Volume I (West Orange: Invisible Books, 1893/2005), [www.invisiblebooks.com/Rand.pdf](http://www.invisiblebooks.com/Rand.pdf).

<sup>8</sup> For the transformation of magicians, see “Robbery and Murder Revenged,” “Glooscap and Megumooesoo,” “The Small Baby and The Big Bird,” “The Adventures of Katoogwasees,” “The Adventures of Ababejit, an Indian Chief and Magician of the Micmac Tribe,” and “The Liver-Colored Giants and Magicians,” in Rand’s *Legends of the Micmacs*. Volume I, and “Glooscap, Kuhkw, and Coolpujot,” in *Legends of the Micmacs*. Volume II (West Orange: Invisible Books, 1893/2004), [www.invisiblebooks.com/Rand2.pdf](http://www.invisiblebooks.com/Rand2.pdf). For *teomul* transformations, see “The Magical Dancing Doll,” “The History of Usitebulajoo,” “The Invisible Boy,” “The Adventures of Ababejit, an Indian Chief and Magician of the Micmac Tribe,” and “The Two Weasels,” in *Legends of the Micmacs*. Volume I. For unwilling transformations, see “The Boy That Was Transformed into a Horse,” and “Two Weasels,” in that same volume.

<sup>9</sup> See Burke, “Native American Legends: Muin, The Bear’s Child.” *First People: The Legends*, 2005, [www.firstpeople.us/FP-HTML-Legends/Legends-MO.html](http://www.firstpeople.us/FP-HTML-Legends/Legends-MO.html) and Stephen Augustine, “Mi’kmaq Transcript.” *Four Directions Teaching*, 2006–2012, [www.fourdirectionsteachings.com/transcripts/mikmaq.html](http://www.fourdirectionsteachings.com/transcripts/mikmaq.html).

his life so Glooscap's grandmother may live. Marten agrees because of his friendship with Glooscap. For this sacrifice, Glooscap makes Marten his brother. Based on this story, Glooscap, the archetype of the human being, would appear to have not been a hunter prior to the arrival of his grandmother. This story also represents, through the characters of Glooscap and Martin, the basic relation of the Mi'kmaq people with the creatures around them. The animals are willing to provide food and clothing, shelter and tools, but always they must be treated with the respect given a brother and friend.

A Mi'kmaq creation story tells of the birth of Glooscap's nephew from seafoam caught in sweetgrass.<sup>10</sup> To celebrate the nephew's arrival, Glooscap and his family have a feast of fish. Glooscap called upon the salmon of the rivers and seas to come to shore and give up their lives. Although not unproblematic, this dynamic is at least open to the possibility of refusal on the part of the animal. As well, the story undermines the widespread view that humans have an innate right to use animal flesh as food. Glooscap and his family do not want to kill all the animals for their survival, indicating moderation in their fishing practices. The theme is one of dependence, not dominion. Human survival is the justification for the death of Glooscap's animal friends. The animals have independent life, their own purpose and their own relationships with the creator. They are not made for food, but willingly become food as a sacrifice for their friends. This is a far cry from the perspective of the white colonial hunter, in which animals are constructed as requiring population control, turning slaughter into a service performed, rather than one received.

An interesting exception to this thread is the Wabanaki story of "Glooscap and His People," which blames the animals themselves for man's aggression toward them. In this tale Malsum, an evil counterpart to Glooscap, turns the animals against Glooscap. Glooscap announces, "I made the animals to be man's friends, but they have acted with selfishness and treachery. Hereafter, they shall be your servants and provide you with food and clothing."<sup>11</sup> The original vision of harmony is lost and inequality takes its place as the punishment for listening to Malsum. In this way, the story is similar to the Genesis story of the expulsion of Adam and Eve from the Garden of Eden. Glooscap shows the men how to make bows, arrows, and spears, and shows the women how to scrape hides and make clothing.

"Now you have power over even the largest wild creatures," he said. "Yet I charge you to use this power gently. If you take more game than you need for food and clothing, or kill for the pleasure of killing, then you will be visited by a pitiless giant named Famine."<sup>12</sup> Even in this story, which attempts to justify dominion, the proper relation to the animals is only for food and clothing. Exceptions to this principle appear in stories where a malevolent human magician has taken the form of an animal. In these cases the protagonists often kill the animal without purpose other than defeating their

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<sup>10</sup> Augustine, "Mi'kmaq Transcript."

<sup>11</sup> Kay Hill, *Glooscap and His Magic: Legends of the Wabanaki Indians* (New York: Dodd, Mead & Company, 1963), 24.

<sup>12</sup> *Ibid.*

human enemy. These stories characterize animals as independent people with rights, wills, and freedom. If animal consent is required to justify their consumption, then it opens the possibility that such consent may be revoked. Overfishing, overhunting, and the wholesale destruction of their natural habitat could certainly give the animals cause to rethink the bargain.

Another feature of Mi'kmaq stories is the regret that comes with animal death. In "The Legend of the Wild Goose," Glooscap is concerned for the safety of the small migrating birds and charges the Canada Goose with their protection. In "Nukumi and Fire," Glooscap snaps Marten's neck and placed him on the ground but immediately regrets his actions. Nukumi speaks to the Creator and Marten comes back to life and returns to his home in the river. On the ground now lays the body of another marten. This story is far from a straightforward tale of why we eat animals. Marten is both dead and alive: dead as a marten available for consumption by the grandmother, but alive as Marten, the friend of Glooscap and his people. "The Adventures of Katoogwasees"<sup>13</sup> tells how Glooscap's grandmother used magic to obtain unlimited amounts of beaver meat from a single bone, reflecting a wish for abundance disconnected from the need to hunt.<sup>14</sup>

Regret and kinship also feature in the story of "Muin, The Bear's Child." In one version of this tale a young boy, Siko, is trapped in a cave by his evil stepfather and left to die. The animals hear him crying and attempt to save him but only the bear is strong enough to move the rocks blocking the cave entrance. Siko is adopted and raised as a bear. Later, Siko's bear family is attacked by hunters and his mother is killed. He addresses the hunters, "I am a human, like you. Spare the she-cub, my adopted sister." The amazed hunters put down their weapons and gladly spare the cub. In addition, they are sorry for having killed the bear who had been so good to Siko. Here we see that regret at animal death is contextualized in the kinship relation between humans and animals. At the end of the story Siko declares, "I shall be called Muin, the bear's son, from this day forwards. And when I am grown, and a hunter, never will I kill a mother bear, or bear children!" And Muin never did.

This regret is also expressed in rituals surrounding the act of hunting. Mi'kmaq Elder Murdena Marshall describes one such ritual, a dance "to thank the spirit of the animal for giving its life for food. In the dance, one displays hunting abilities and skills through a re-enactment of the hunt. People sing and share stories as the dance is performed."<sup>15</sup> In contrast to the enlightenment view of humans as distinguished from animals by speech and thought, here animals are not only capable of thought and speech, but can also be said to be persons. The value of the animal lies not in its utility to man, but in its very essence as a living being.

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<sup>13</sup> Rand, *Legends*, Vol. II, 200–211.

<sup>14</sup> See also "Glooscap and the Megumwesoo," and "The Magical Food, Belt, and Flute," in *Legends of the Micmacs*. Volume I.

<sup>15</sup> Confederacy of Mainland Mi'kmaq, *Mikwít'łmanej Mikmaqu'k: Let Us Remember the Old Mi'kmaq* (Halifax: Nimbus Publishing, 2001), 80.

Not all Mi'kmaq food traditions centre upon meat. Glooscap's mother was a leaf on a tree given life and human form by the sun.<sup>16</sup> The feast celebrating her birth is entirely vegetarian, consisting of plants, roots, berries, nuts, and fruit, and the nephew, whose role is usually that of hunter, becomes the gatherer in this instance. If we recognize that activities traditionally performed by Mi'kmaq women, such as fruit, vegetable, and nut gathering, are also fully Indigenous traditions then we can form Indigenous counter-narratives to the promotion of meat.

The values obtained from an ecofeminist exegesis of Mi'kmaq stories can serve as a starting point for an Indigenous veganism. The personhood of animals, their self-determination, and our regret at their death, all show that choosing not to ask for their sacrifice is a legitimately Indigenous option. Since the consumption of animals for food, clothing, and shelter is no longer necessary, as vegan culture testifies, then the Mi'kmaq tradition, as manifested in our legends, suggests that hunting and killing our animal brothers is no longer authorized.

Because Indigenous people are the targets of genocide the cultural practices we adopt or reject are vitally important. Bonita Lawrence notes that daily life practices have historically been used to assess the authenticity of Native identity claims, and accord Indian status.<sup>17</sup> Some may argue that the embodiment of Mi'kmaq values into new practices, such as veganism, is not a legitimate development, and may even threaten the ways our treaty rights are assessed by others. Yet those who value only the preservation of an unchanging tradition join with the colonial powers in seeing no place for a contemporary indigeneity. There is more to our culture and to our relationship with the land, particularly as women, than hunting and killing animals.

The modern commercial fishery, often touted as offering economic security for Indigenous communities, is actually further removed from our Mi'kmaq values than modern-day vegan practices are. The former views fish as objects to be collected for exchange, with economic power taking the place of sustenance, while the latter is rooted in a relationship with the animals based upon respect and responsibility. Again, the theme is one of necessity, not pleasure. If women initiated the hunt, as in the story of Glooscap's grandmother, then surely changing circumstances can empower us to end it.

One must also be aware of changing circumstances and needs among the Mi'kmaq population. Few of us can sustain ourselves through traditional hunting, fishing, or gathering. As research shows, those Mi'kmaq people living on reserve are usually dependant on store-bought food. In addition, half of Canada's Indigenous population live in urban areas.<sup>18</sup> When Indigeneity is defined as a primordial lifestyle, it reflects our intentional extinction as a people.

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<sup>16</sup> Augustine, "Mi'kmaq Transcript."

<sup>17</sup> Lawrence, "Real," 4.

<sup>18</sup> Andrew Signer and Rosalinda Costa, *Aboriginal Conditions in Census Metropolitan Areas, 1981–2001*. Statistics Canada Catalogue number 89-613-MIE-008. Ottawa: Statistics Canada, 2005, 8. <https://www150.statcan.gc.ca/n1/en/catalogue/89-613-M2005008>.

The reinterpretation of tradition and the malleability of ritual enabled our ancestors to survive genocide, famine, disease, forced moves, isolation on reserves, residential schooling, and a host of other colonial ills. Similarly, we must find ways to adapt to the increasing individuality of urban life. One solution is to embody our traditional values in new rituals. With the adoption of a vegan diet our meal preparation and consumption can become infused with transcendent significance, as we recall our connection with other animals, our shared connection to the Creator, and prefigure a time when we can live in harmony with the animals, as Glooscap did before the invention of hunting. Shared food practices, values, and daily life rituals can create ties between Indigenous people that help counteract the isolation and individualism of urban life. Veganism offers us a sense of belonging to a moral community, whose principles are made concrete through daily practices that are in keeping with the values of our ancestors, even if they may be at odds with their traditional practice.

At stake in the creation of an Indigenous veganism is the authority of Indigenous people, especially women, to determine cultural authenticity for ourselves. Dominant white discourse portrays our cultures as embedded in the pre-colonial past. This perspective must be replaced with the recognition that Indigenous cultures are living traditions, responsive to changing social and environmental circumstances. In retelling our stories, bringing postcolonial and ecofeminist interpretations to them, or in creating new stories, Indigenous women claim authority over our oral traditions. In doing so we recognize that our oral culture is not fixed in time and space, but is adaptable to our needs, to the needs of our animal siblings, and to the needs of the land itself.

## References

Adams, Carol J. *The Sexual Politics of Meat* (10th Anniversary Ed.). New York: Continuum, 1990.

Augustine, Stephen. "Mi'kmaq Transcript." Four Directions Teaching, 2006–2012. [www.fourdirectionsteachings.com/transcripts/mikmaq.html](http://www.fourdirectionsteachings.com/transcripts/mikmaq.html).

Briggs Jr., Konju. "Veganism Is a Revolutionary Force in the Class War." *The Scavenger*, September 12, 2010. [www.thescavenger.net/animals/veganism-is-a-revolutionaryforce-in-the-class-war-32867.html](http://www.thescavenger.net/animals/veganism-is-a-revolutionaryforce-in-the-class-war-32867.html).

Burke, Paul. "Native American Legends: Muin, The Bear's Child." *First People: The Legends*, 2005. [www.firstpeople.us/FP-Html-Legends/Legends-MO.html](http://www.firstpeople.us/FP-Html-Legends/Legends-MO.html).

———. "Native American Legends: Nukumi and Fire." *First People: the Legends*, 2005. [www.firstpeople.us/FP-Html-Legends/Legends-MO.html](http://www.firstpeople.us/FP-Html-Legends/Legends-MO.html).

———. "Mikmaq Legend of the Wild Goose." *First People: The Legends*, 2005. [www.firstpeople.us/FP-Html-Legends/Mikmaq\\_Legend\\_Of\\_The\\_Wild\\_Goose-Micmac.html](http://www.firstpeople.us/FP-Html-Legends/Mikmaq_Legend_Of_The_Wild_Goose-Micmac.html).

Confederacy of Mainland Mi'kmaq. *Mikwíte'lmanej Mikmaqu'k: Let Us Remember the Old Mi'kmaq*. Halifax, NS: Nimbus Publishing, 2001.

Hill, Kay. *Glooscap and His Magic: Legends of the Wabanaki Indians*. New York: Dodd, Mead & Company, 1963.

Hunter, R. *Red Blood: One (Mostly) White Guy's Encounters with the Native World*. Toronto: McClelland & Stewart, 1999.

Johnson, J.L., C.N. Williams, and K.L.M. Weldon. "Nutrient Intake and Meal Patterns of Micmac Indian and Caucasian Women in Shubenacadie, NS." *Canadian Medical Association Journal* 116, no. 12. (1977): 1356–1359.

Lander, Christian. *Stuff White People Like: The Definitive Guide to the Unique Taste of Millions*. New York: Random House, 2008.

Lawrence, Bonita. "Real" Indians and Others: Mixed-Blood Urban Native Peoples and Indigenous Nationhood. Vancouver: University of British Columbia Press, 2004.

Mi'kmaq Health Research Group. *The Health of the Nova Scotia Mi'kmaq Population*. Sydney: Union of Nova Scotia Indians, January 7, 2007. Web. January 2013.

Rand, Silas T. *Legends of the Micmacs. Volume I*. West Orange: Invisible Books, 1893/2005. [www.invisiblebooks.com/Rand.pdf](http://www.invisiblebooks.com/Rand.pdf).

———. *Legends of the Micmacs. Volume II*. West Orange: Invisible Books, 1893/2004. [www.invisiblebooks.com/Rand2.pdf](http://www.invisiblebooks.com/Rand2.pdf).

Siggner, Andrew J. and Costa, Rosalinda. *Aboriginal Conditions in Census Metropolitan Areas, 1981–2001*. Statistics Canada Catalogue Number 89-613-MIE-008. Ottawa: Statistics Canada, 2005. [www150.statcan.gc.ca/n1/en/catalogue/89-613-M2005008](http://www150.statcan.gc.ca/n1/en/catalogue/89-613-M2005008).

Taylor, Drew Hayden. "Real Natives Don't Eat Tofu." *Now Magazine* 19, no. 46, July 13–20, 2000. <https://nowtoronto.com/news/real-natives-dont-eat-tofu/>.

———. *Film. Redskins, Tricksters and Puppy Stew*. Toronto: National Film Board of Canada, 2000.

Travers, Kim D. "Using Qualitative Research to Understand the Sociocultural Origins of Diabetes among Cape Breton Mi'kmaq." *Chronic Diseases in Canada* 16, no. 4 (1995): n. pag. Web. January 2013.

Wallis, Wilson Dallam and Ruth Otis (Sawtell) Wallis. *The Micmac Indians of Eastern Canada*. Minneapolis: University of Minnesota Press, 1955.

## 5 Growling ontologies: Indigeneity, becoming-souls and settler colonial inaccessibility

Vanessa Watts

I walked down the stairs and there sat a bear  
And so I walked back up again  
I walked down the stairs and there sat a bear  
And I thanked her for coming  
I walked down the stairs and there sat a bear  
And I pretended I was just another plank  
I walked down the stairs and there sat a bear  
And I shot her dead  
I walked down the stairs and there sat a bear  
And I asked her what I should do  
I walked down the stairs and there sat a bear  
And I poured him some kibble  
I walked down the stairs and there sat a bear  
And I told him to get the hell out  
I walked down the stairs and there sat a bear  
I felt myself being tasted  
I walked down the stairs and there sat a bear  
And I wondered how much time we had before -  
I walked down the stairs and there sat a bear  
And I felt a flutter in my tummy  
I walked down the stairs and there sat a bear  
And I told him: you don't belong here  
I walked down the stairs and there sat a bear  
And I spread him out and rolled around  
I walked down the stairs and there sat a bear  
(And I felt so relieved that you had heard me)  
I walked down the stairs and there sat a bear  
And I strung him back up  
I walked down the stairs and there sat a bear

And he told me to go back to my room  
 I walked down the stairs and there sat a bear  
 And I didn't know what he was saying  
 I walked down the stairs and there sat a bear  
 And I wished I wasn't so surprised  
 I walked down the stairs and there sat a bear  
 And I told you to get the gun  
 I walked down the stairs and there sat a bear  
 And I threw her in the wash

When I was younger, I started learning from my family what being bear meant. When I found a box of childhood stuff, when I was older, I found a bunch of teddy bears. When I had/have sore stuff my dad gave/gives me bear grease. I used to imagine that if I saw a bear in the bush I would have a moment with them because of how I understood myself. I also know I should remember I could get killed. My dad would tell me that bears would patrol the edges of the territory, and because they did this, they got to know the medicines really well. I understand bears to have spirits, and more than that, they generously lend themselves and their ways to humans in the formation of clan structures – we became inheritors of their knowledge and skills, and in this way, we are kin. Therefore, bears should never eat bears or have babies with other bears. In this chapter, I will examine the ontological implications of Deleuze and Guattari's notion of "becoming"<sup>1</sup> in the presence of Anishinaabe bear relationalities. Secondly, I will examine how animality, communication and spirit are situated within the Christianization of Indigenous places and their animals.

There are varied understandings held within Indigenous cosmologies about how human beings came to be. What is common throughout these cosmological histories are the presence of animals and other non-human beings.<sup>2</sup> The relationship between humans and animals is generative and primordial. Anishinaabe Elder Liza Mosher tells us:

In the beginning there was no people, there was no person, no woman  
 or man on this earth. There was fish and there was animals. But in the

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<sup>1</sup> Gilles Deleuze and Felix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia* (Minneapolis: University of Minneapolis Press, 1987).

<sup>2</sup> See Gregory Cajete, *Native Science: Natural Laws of Interdependence* (Sante Fe, NM: Clear Light Press, 2000); John Borrows, "With or without You: First Nations Law in Canada" *McGill Law Journal* 41 (1996): 629–665; Pauloosie Angmarlik, *In the Words of Elders: Aboriginal Cultures in Transition* (Toronto: University of Toronto Press, 1999); John Mohawk, "The Right of Animal Nations to Survive." *Daybreak Magazine*, Summer 1988; Leanne Simpson, *Dancing on Our Turtle's Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: Arbeiter Ring, 2011); Zoe Todd, "An Indigenous Feminist's Take On the Ontological Turn: 'Ontology' Is Just Another Word for Colonialism," *Journal of Historical Sociology* 29, no. 4 (2016): 4–22; Vanessa Watts, "Indigenous Place-Thought and Agency amongst Humans and Non-Humans (First Woman and Sky Woman Go on a European World Tour!)." *Decolonization: Indigeneity, Education & Society* 2, no. 1 (2013): 20–34.



long run, somehow, the movement took place from animal. Then our form started to change as a person. Medicine power. All animals had medicine power as well. Animal, moose, caribou, bear, they all had medicine power. So when man, when man became human they, they transform from animal and they still had medicine power from this animal. So it was no problem for them to talk to animals. That's why we are saying that human beings, because we are coming from animals, our medicine power come from animals.'<sup>34</sup>

This understanding of human-animal relations from this perspective is articulated by practices of material transformation, power and communication. For Anishinaabeg, beingness as humans is directly related if not contingent upon the beingness of animals. So what of movement and transformation in a poststructuralist sense?

Gilles Deleuze and Felix Guattari examine "becoming-animal" as it relates to human transformation and aggregated, connected events. They document this process in terms of lines of flight, latitudes and longitudes, melody and molecules – all forms of movement.<sup>5</sup> For Deleuze and Guattari, becoming-animal is not accomplished through imitation by human of said animal, but by the molecular emission of the animal. In their work, *Becoming-Intense*, *Becoming-Animal*, *Becoming-Imperceptible*, they write: "You become animal only molecularly. You do not become a barking molar dog, but by barking, if it is done with enough feeling, with enough necessity and composition, you emit a molecular dog."<sup>6</sup> This moment of becoming is finite, a line of flight produced by the human, who then must deterritorialize into another aggregated event (becoming-human once again). Though Deleuze and Guattari argue for becoming as more than "pretending," this molecular becoming is not a material transformation of human flesh into dog flesh. Rather, it is the emission of speed and slowness of the molecular dog.

What then of being bear? If I inherit my beariness from my father, who is also a bear, how does being a bear figure at Deleuze and Guattari's molecular level? The question of inheritance, as occurring through not only a kinship with my father, but with the bear, cannot be represented within this notion of becoming. While the common adage of many Indigenous people, "all my relations," would extend to all beings, I argue that one's clan is something more intimate than extends beyond an acknowledgement to "all relations." That is, while humans are not separated from nature, the relationship to one's clan is one of specificity in terms of responsibility, accountability and characteristics as well as gifts.

Tewa scholar Gregory Cajete writes:

...The interplay of humans with the natural world and the cosmos as seen in Native peoples' creation stories depict the lines separating humans, animals,

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<sup>3</sup> Angmarlik, *Words of Elders*, 387.

<sup>4</sup> Angmarlik, *In the Words of Elders*, 387.

<sup>5</sup> Deleuze and Guattari, *A Thousand Plateaus*, 239.

<sup>6</sup> *Ibid.*, 275.

and forces of nature as rather fluid, instead of rigid. Animals transform into humans and humans transform into animals.<sup>7</sup>

Cajete's research of Indigenous cosmologies tells us that the becoming was something rather fluid, which also supports Mosher's claim that humans transformed out of animals into a (human) being, who then continues as this animal.

Deleuze and Guattari describe the finite moment of becoming-animal as materiality and affect joining in an event: an assemblage. The event itself is an "individuated aggregate," and so the uniqueness, or essence of a thing is not without other things; a being or thing is always implicated in its relationality of an/other(s). They write: "This should be read without a pause: the animal-stalks-at-five-o'clock. The becoming-evening, becoming-night of an animal, blood nuptials. Five o'clock is this animal! This animal is this place!"<sup>8</sup> The animal, evening, blood nuptials are in and of themselves a becoming-aggregate. Though individual in element, they experience a collective becoming as an event.

Let us place their exclamation that "animal is this place!" next to their aforementioned claim that one can become a molecular dog. It is possible then for Deleuze and Guattari that a human being can become the becoming: the-animal-stalks-at-five-o'clock. The human can become the animal that is doing the stalking at five o'clock. This view would be anchored on the notion of something accessible, something meta.

Deleuze in his conception of desire as productive and generative of the social is indicative of the meta.<sup>9</sup> Desire for Deleuze is a meta-force of the world that is accessible to humans, animals. This desire is made realized through lines of flight and events (such as the-animal-stalks-at-five-o'clock). Thus, the only limit to a human becoming any sort of animal would be determined by the human's ability to emit – the type of animal in and of itself is of no consequence. Rather, limitations of movement into becoming-said-animal are arrested by human capability. The human can draw from the creative meta-desire of the world into their emission of molecular animal – it is not the animal that halts this.

But, could I go to another territory (or even within my own territory) and become any animal? Even if with the most feeling, necessity and composition I could muster in my bark, can I become a dog if I am a bear? I know that as a member of the bear clan, I would not introduce myself as a wolf or a turtle or a deer. I would not take on the responsibilities of a wolf or turtle or deer (because I do not have them). This is not a question of social or political difference/limitations within varying territories, but in the inherited responsibility and beingness passed from animals to humans for generations which then generates the political and the social that Indigenous societies are constituted by. In order for me to become wolf, I would have to be human-bear-becoming-said-animal-who-stalks-at-five-o'clock-in-a-particular-territory-but-did-I-ask-if-I-could?

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<sup>7</sup> Cajete, *Native Science*, 40.

<sup>8</sup> Deleuze and Guattari, *A Thousand Plateaus*, 263.

<sup>9</sup> Gilles Deleuze and Felix Guattari, *Anti-Oedipus* (London: A&C Black, 2004).

The universal form of access of Deleuze's meta-desire cannot account for how permission is granted with respect to becoming. Rather, "becoming-animal" translates as to me becoming anything if I am committed enough, even just for a moment. A uni-accessibility is then only limited by the being's ability to become in a particular event. Permissibility is taken for granted in this uni-accessible world of desire. But how is this this line of flight, this shift, situated amidst historical clan and treaty relations between humans and animals?

King reflects on the Borrow's re-telling of a story about a time when the Deer Nation forbid Anishinaabeg from hunting them because they had displayed disrespect to their bodies.<sup>10</sup> The Deer Nation and Anishinaabeg had formerly been parties to an agreement about how deer would be hunted, and Anishinaabeg had violated this agreement. King reads this story as a "rules-based world" and thus "non-anarchic."<sup>11</sup> The terms of permissibility are thus limited by a mutually agreed upon treaty. Thereby the ability to conduct interspecies communication was not only possible, but also rich and complex.

If we hold this reality alongside Mosher's, which is filled with particularities, rules of relations of governances, dictates of animal-human relations against a Deleuzian, poststructuralist view of the individual subject desiring to transform, what happens? In the latter, the animal becomes a body of accessibility without permission. Further, it is not only done without permission, but in violation of in this case, Anishinaabe rules of governance and beingness. Violability is indispensable in the finalization of the settler colonial project.

What relations have been established with animals by the settler colonial state outside of machinations of consumption, labour, zoology and pet discourse?<sup>12</sup> The colonial estimations of the inertness of the natural world and of wild creatures (which included Indigenous peoples) extended as a sort of embodied ontological nullius to all creatures.<sup>13</sup> Empty of reason and godliness, bodies associated with "new world" territories granted permission to incoming settlers to occupy, violate and transform. How does becoming-animal, co-constituting with animals, being related to animals, and being denied personhood via the settler state rest with one another?

Belcourt argues that the logic of anthropocentrism "is also militarized through racial hierarchies that further distance the white settler from blackness and indigeneity as animalized sites of tragedy, marginality, poverty, and primitivism."<sup>14</sup> This perversion

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<sup>10</sup> Borrow, "With or without You," 629–665.

<sup>11</sup> Hayden King, "The Erasure of Indigenous Thought in Foreign Policy," Open Canada, July 31, 2017, [www.opencanada.org/features/erasure-indigenous-thought-foreign-policy/](http://www.opencanada.org/features/erasure-indigenous-thought-foreign-policy/)

<sup>12</sup> Donna Haraway, *The Companion Species Manifesto: Dogs, People, and Significant Otherness*. Vol. 1 (Chicago, IL: Prickly Paradigm Press, 2003).

<sup>13</sup> Naomi Sayers, "Our Bodies Are Not Terra Nullius," *Kwe Today: Fierce Indigenous Feminism*. March 2015, <http://kwetoday.com/2015/03/20/our-bodies-are-not-terra-nullius/>

<sup>14</sup> Billy-Ray Belcourt, "Animal Bodies, Colonial Subjects: (Re) Locating Animality in Decolonial Thought." *Societies* 5, no. 1 (2014): 1–11.

of the closeness between Indigenous bodies and animal bodies creates a false landscape of a solution trick.<sup>15</sup> The animalized sites that Belcourt references are borne out of the view that animals are far from agential beings. The lumping of Indigenous bodies into animalized sites can conflate Indigenous bodies as un-agential.

Yet our varied cosmologies speak to an intimacy with animals and mutual, recognizable agency. In the context of settler colonialism, Indigenous peoples are confronted with paradoxes of being: we must fight against being animalized!/we must fight for our animality! we are not subhuman!/our beingness is intimately tied to animality! The compass for a resolution here is generated by settler colonial attitudes towards Indigenous and animal bodies. The view that humans are a superior species to animal species is violently operationalized through the closeness between animals and Indigenous bodies. Yet, reconciling this with respect to decolonizing animal studies must extend beyond granting humanity to Indians. It is the perversion of the animal-human closeness that cultivates a space for violence against Indigenous peoples. Countering this with a farness of Indigenous bodies from animal bodies will not undo violence. With respect to Indigenous cosmologies, this closeness with animals is a question of interest or principle, but of obligation.

An Interruptive Conversation Between Two Schools of Thought on a Colonial Adventure!

To begin, there was once this big bang.  
In the beginning, there was a lush garden.  
And out sounded the furry, the winged and the slippery  
Where the furry, the winged and the slippery lived...  
After much time emerged two-legged beings,  
There also lived naked two-legged beings with no shame  
And they gained the ability to use language and the capacity for reason.  
And they were the most special and loved of all things  
The furry, the winged and the slippery,  
The garden creatures provided sustenance for the two-leggeds  
Did not.  
Until one day, one of the creatures corrupted Her and Him.  
They found that through manipulation of the furry, the winged and the slippery,  
They found that through dominion over the furry, the winged and the slippery  
There could be advancement for the two leggeds.  
They could find prosperity and salvation!  
They took this knowledge westward where they observed other two-leggeds.  
Their descendants continued westward where they discovered other two-leggeds!

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<sup>15</sup> This is in reference to Donna Haraway's discussion of the "god trick" or the illusion that there exists an objectivity in science and philosophy. See Donna Haraway, "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective" *Feminist Studies* 14, no. 3 (1988): 575–599.

They determined there were many shared characteristics between the new two-leggeds and the furry, the winged and the slippery

But they seemed more like the furry, the winged and the slippery than like properly shamed two-leggeds.

They thought: this is very interesting indeed -

They thought: they need us to cast out

We should measure the difference in-between

And save them from the furry, the winged and the slippery

So we might avail advancement to all.

So we might make a new garden.

In the following section, I will examine Christianity as a structural component of colonialism within the scope of animal relations, specifically as it relates to animal spiritual beingness. My intention is to examine these ideas beyond the common axiom: man has dominion over nature. Rather, how are human-other-than-human communicative and soul-full interactions in the Christian religion situated beyond the Garden of Eden? Strict Aristotelian reasoning wherein plants, rocks and animals were both non-rational and non-spiritual finds that human beings are the distinctive marker of where spirit begins and animality ends.<sup>16</sup> This does not mean that animals are not to be treated respectfully, but does make clear where soulfulness is born. Human and animal relations that are oriented in a Christian framework have consequences when Indigenous territories and beings of these territories are implicated within them. It is important to note that this section is not directed to evaluating the validity of the Christian faith(s) or peoples of the Christian faith(s). Rather, my objective is to unpack how Indigenous cosmologies with respect to spirit and animality are impacted in the presence of settler colonial religiosity – the major arm of this being Christianity.<sup>17</sup>

Critical animal studies scholars Preece and Fraser reject the notion that Christianity refused the existence of animal souls.<sup>18</sup> Rather, they provide evidence that although there is no final conclusion as to the existence of animal souls in Christian dogma, there is evidence of notable Christian figures that both acknowledge this as a possibility, as well as assert the existence of these souls. Preece and Fraser continue that this recognition demonstrates a rationale for caring and ethical engagement with animals

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<sup>16</sup> Aristotle, *History of Animals*, trans. D'Arcy Wentworth Thompson (South Australia: University of Adelaide Library, 2015), <https://ebooks.adelaide.edu.au/a/aristotle/history/>

<sup>17</sup> See Katharine Gerbner, "Theorizing Conversion: Christianity, Colonization, and Consciousness in the Early Modern Atlantic World." *History Compass* 13, no. 3 (2015): 134–147; A. Fleck, *Crusoe's Shadow: Christianity, Colonization and the Other*. *Historicizing Christian Encounters with the Other*, edited by J.C. Hawley (London: Palgrave Macmillan, 1998), 74–89; J. A. Mbembé and Judith Inggs. "On the Power of the False." *Public Culture* 14, no. 3 (2002): 629–641; Carol Devens, *Countering Colonization: Native American Women and Great Lakes Missions, 1630–1900* (Berkeley: University of California Press, 1992); William Howitt, *Colonization and Christianity: A Popular History of the Treatment of the Natives by the Europeans in all their Colonies* (Alexandria: Library of Alexandria, 2017).

<sup>18</sup> Rod Preece and David Fraser, "The Status of Animals in Biblical and Christian Thought: A Study in Colliding Values," *Society & Animals* 8, no. 3 (2000): 246.

as being located within a Christian orientation.<sup>19</sup> The claim that “All things are God’s creatures” has particular meanings. One is that all things are of God and therefore special or to be respected. This concept is one that may be argued as shared amongst Indigenous belief systems and Christian ones alike.

This pronouncement, however, can also be read as entrenching the notion that the accessing of global place(s) by Christian ideologies is a sacred act. In Lynn White’s piece, “The Historical Roots of our Ecological Crisis,” she argues that an “alternative Christian view” is required to halt the current ecological crisis in the West.<sup>20</sup> She is careful to situate scientific and technological efforts in North America as being rooted in Christianity, and these efforts have had damaging impacts on non-Christians and their lands. Despite this damage, White argues that an ecological ethos with respect to animality does exist in Christianity, and includes stories of Saint Francis of Assisi to support this claim. I read White’s work as a call for a spiritual invigoration of nature, one that can be found in what she describes as a left-wing, radical Christian saint whose views on animals and souls were largely stamped out by the Catholic Church. White goes so far as to suggest that Francis become “a patron saint for ecologists.”<sup>21</sup>

Indeed, Saint Francis of Assisi is one of the better-known figures in animal studies with respect to Christianity.<sup>22</sup> Saint Francis was the founder of the Franciscan Order in the Catholic Church during the early 13th century. Francis would become the Patron Saint of Italy and continues to be associated with his patronage of the natural world, specifically, animals. White contends that stories of saints and animals often centre upon “human dominance over creatures” but that with Saint Francis, it is different.<sup>23</sup> She includes a story of Francis and a wolf:

The land around Gubbio in the Apennines was being ravaged by a fierce wolf. Saint Francis, says the legend, talked to the wolf and persuaded him of the error of his ways. The wolf repented, died in the odor of sanctity, and was buried in consecrated ground.<sup>24</sup>

This is indeed demonstrative of a communicative exchange between human and animal, and evidences the animal ability to reason and even to repent. But how does

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<sup>19</sup> Ibid., 248.

<sup>20</sup> Lynn White, “The Historical Roots of Our Ecologic Crisis,” *Readings in Biology and Man* 155, no. 3767 (1967): (53).

<sup>21</sup> Ibid., 54.

<sup>22</sup> See Preece and Fraser, “The Status of Animals in Biblical and Christian Thought,” 246; Roger D. Sorrell, *St. Francis of Assisi and Nature: Tradition and Innovation in Western Christian Attitudes Toward the Environment* (Oxford/New York: Oxford University Press, 1988); Donald J. Hughes, “Francis of Assisi and the Diversity of Creation,” *Environmental Ethics* 18, no. 3 (1996): 311–320; Rene Dubo, “Benedictine Stewardship,” *Environmental Stewardship* 56 (2006): 56; John Holloway, “Going in the Wrong Direction: Or, Mephistopheles-Not Saint Francis of Assisi,” *Historical Materialism* 10, no. 1 (2002): 79–91.

<sup>23</sup> White, “The Historical Roots of Our Ecologic Crisis”, 53.

<sup>24</sup> Ibid., 54.

this story, set in medieval Italy, impact human-animal relations of Indigenous territories in North America?

White claims that Saint Francis “tried to depose man from his monarchy over creation and set up a democracy of all God’s creatures.”<sup>25</sup> White also references Francis’ sermon to birds, as further evidence of the existence of animal souls in Christian dogma. Contained in his book, *The Little Flowers of Saint Francis*, is a collection of stories about Saint Francis’ travels as compiled by an unknown Monk from the Tuscany region and was first published in the 15th century. The following story is of particular importance, and begins with a sermon given by Saint Francis:

My little sisters the birds, ye owe much to God, your Creator, and ye ought to sing his praise at all times and in all places, because he has given you liberty to fly about into all places; and though ye neither spin nor sew, he has given you a twofold and a threefold clothing for yourselves and for your offspring...He has given you fountains and rivers to quench your thirst, mountains and valleys in which to take refuge, and trees in which to build your nests; so that your Creator loves you much, having thus favoured you with such bounties. Beware, my little sisters, of the sin of ingratitude, and study always to give praise to God.<sup>26</sup>

There are significant events that take place in this story which contradict the widely held assumption that human Christians stand in dominion over nature (at least ideologically). Saint Francis begins by referring to the birds in as “sisters.” This reference is indicative not only of a spiritual relationship with non-humans, but a familial one. As aforementioned, many Indigenous nations too refer to different animal species as kin in some form or another. Saint Francis also speaks to his sisters, indicating communication between the birds and himself. While he is speaking, it becomes evident that the birds are listening intently, a sign of communicative exchange. In his sermon to his sisters, Saint Francis urges the following warning:

...He has given you fountains and rivers to quench your thirst, mountains and valleys in which to take refuge, and trees in which to build your nests; so that your Creator loves you much, having thus favoured you with such bounties. Beware, my little sisters, of the sin of ingratitude, and study always to give praise to God.

This statement may have multiple interpretations, but two are significant to this discussion. First, his acknowledgement that animals, too, are susceptible to sinful behaviour. Importantly from this caution, Saint Francis tells us that animals have some

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<sup>25</sup> Ibid.

<sup>26</sup> Francis of Assisi, *Little Francis of Saint Flowers*, trans. Thomas Okey (New York: Courier Corporation, 2003), 27.

capacity for reasoning or thoughtfulness if they would indeed be capable of ingratitude or sinful behaviour. The ability to sin also implies the ability to be forgiven, or to cleanse the soul. Thus from the perspective of Saint Francis, one might assume his belief in the spiritual or soulfulness as being extended to the animal world. In addition to this, the story conveys the notion that these sisters are also capable of contributing to the destruction of their environment through this ingratitude.

Secondly, the reference to bodies of waters as being a utility to the birds might also imply a lack of soulfulness or spirit in the waters, a more of a utility in terms of bountifulness rather than meaningful, engaged interaction. While this relationship is telling in terms of an intimate relationship to nature, the structure of this relationship is also telling. The birds are responding to being preached to by Saint Francis.

The story continues as Francis' companions Brother Masseo and Brother Agnolo observe Saint Francis:

As he said these words, all the birds began to open their beaks, to stretch their necks, to spread their wings and reverently to bow their heads to the ground, endeavouring by their motions and by their songs to manifest their joy to St Francis....Then all those birds rose up into the air, singing most sweetly; and, following the sign of the cross, which St Francis had made, they divided themselves into four companies. One company flew towards the east, another towards the west, one towards the south, and one towards the north; each company as it went singing most wonderfully; signifying thereby, that as St Francis, the bearer of the Cross of Christ, had preached to them and made upon them the sign of the cross, after which they had divided among themselves the four parts of the world, so the preaching of the Cross of Christ, renewed by St Francis, would be carried by him and by his brethren over all the world..<sup>27</sup>

Ultimately, Saint Francis invokes them to spread the word of God into the four directions of the earth:

...they had divided among themselves the four parts of the world, so the preaching of the Cross of Christ, renewed by Saint Francis, would be carried by him and by his brethren over all the world, and that the humble friars, like little birds, should possess nothing in this world, but should cast all the care of their lives on the providence of God.

Their purpose became to spread the word of God to the other birds so that Christ's messages would be received throughout the (bird) world. The consequence of this renewed purposefulness is twofold: other birds in the world may be Godless or ungrateful, and God's message should be a global message. Both consequences serve each other:

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<sup>27</sup> Ibid.



where there is an absence of knowledge of Christian God, there should be a subsequent elimination of this absence. Birds in this story (and other creatures alike), by possessing the ability to be ungrateful, must also possess some ability to be thinking, agentic beings. Saint Francis' call to seek and spread the word of God implies that birds can be inspired to become Christian birds, and that they must then carry this conversion forward to other birds.

Despite the obvious missionizing relationships Saint Francis has with his sisters, White's contention is that the system of Christianity did extend spirituality to other beings and creatures of place. She calls for her contemporaries to reinstate these spiritual relationships with place in order to halt ecological crises, which include creating a more just relationship with animals.<sup>28</sup> Yet White's contention relies on a spiritual invigoration that is achieved via missionizing creatures of Indigenous places. Saint Francis called his sisters to spread the word of God to other sisters in foreign lands. If we apply that same process today under the assumption that animals of place have spiritual lives, then yet another level of missionizing has been undertaken – the conversion of non-human souls without permission. For the underlying assumption to this process is, wherever there is life, life should know the Christian God. Was this not the very same logic that rationalized the subsequent attempts at conversion of Indigenous peoples globally? The non-recognition of historic, present and future spiritual relations between animals and humans in Indigenous places and its rules disavows these relations. The spiritual conversion of place's inhabitants without permission risks converting settler colonialism to the divine.

## Conclusion

The continued transposition of theories of animal liberation and care onto Indigenous cosmological animal-human relationalities in an absence of dialogue with Indigenous methods of communicative exchange with animals discounts the agency and intentions of animals themselves. That is animals can be "filled" with rights of agency, rights of care and rights for liberation. But, these rights already existed and were particular to Indigenous places. Anishinaabeg understand that the limits to animal-human exchange are determined by animals in conjunction with human beings. Anishinaabe Elder Liza Mosher reminds us: "...that bear is the one that has the power to heal...If you pray to that bear when you're helping someone, it is the bear that does the healing."<sup>29</sup> In a similar articulation to Deleuze and Guattari, being a member of a clan could be read as existing in a constant state of becoming, with particular "lines of flight" (i.e. praying) that produces a particular aggregated event (i.e. healing). But as Mosher points out, it is the spirit of the bear that allows for this healing to take place. Meaning that there is a permission or confirmation of another being that allows another being (the human)

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<sup>28</sup> White, "The Historical Roots of Our Ecologic Crisis," 54.

<sup>29</sup> Angmarlik, Words of Elders, 156.

to engage in a particular attempt to heal through ceremony, and that this power for a human to heal is determined by the animal, not the human determining the spiritual capacity of the bear or willingness of the bear to participate.

It is this permission-based relationship that additionally determines the “rules” for how humans and other-than-humans will exist within a particular society. Indigenous rules for this form of engagement with animals are ones that continue to be practised today by Indigenous peoples everywhere. Theorizing and practising critical animal studies in displacement of Indigenous-informed intimate relations and rules obfuscates them as absent, barren and/or non-authoritative – one figuration of logic of many that continues to rationalize the colonization of Indigenous bodies into a settler state.

She came down the stairs

**And I gave her a big bear hug**

He came down the stairs

And I ate him up.

She came down the stairs

And I handed her a pen

She came down the stairs

And I let her kill me.

She came down the stairs

And started smoking her pipe

He came down the stairs

And I let out a big yawn

She came down the stairs

And we went on patrol

He came down the stairs

And I told him to cook me up some supper

**He came down the stairs**

**And we hung out in the den(!)**

*He came down the stairs*

*And I am glad he asked me for help*

She came down the stairs

And I told her an old story

She came down the stairs

And I barked real loud.

He came down the stairs

And I'm still hanging on this fucking wall

He came down the stairs

And I gave him a big, wet kiss

He came down the stairs

And I told him to get the hell outta here

**She came down the stairs**

**And there was water everywhere**

She came down the stairs  
And held me tight while she watched a scary movie  
He came down the stairs  
And I looked him up and down real good  
**She came down the stairs**  
**And I wish she would quit sending for me every time she felt sad**

## References

- Angmarlik, Pauloosie. In the Words of Elders: Aboriginal Cultures in Transition. Toronto: University of Toronto Press, 1999.
- Belcourt, Billy-Ray. "Animal Bodies, Colonial Subjects:(Re) Locating Animality in Decolonial Thought." *Societies* 5, no. 1 (2014): 1–11.
- Borrows, John. "With or without You: First Nations Law in Canada." *McGill Law Journal* 41 (1996): 629–665.
- Cajete, Gregory. *Native Science: Natural Laws of Interdependence*. Sante Fe, NM: Clear Light Press, 2000.
- Deleuze, Gilles. *Anti-Oedipus*. London: A&C Black, 2004.
- Deleuze, Gilles and Felix Guattari. *A Thousand Plateaus: Capitalism and Schizophrenia*. Minneapolis: University of Minneapolis Press, 1987.
- Devens, Carol. *Countering Colonization: Native American Women and Great Lakes Missions, 1630–1900*. Berkeley: University of California Press, 1992.
- Dubos, Rene. "Benedictine Stewardship." *Environmental Stewardship* 56 (2006): 56.
- Francis of Assisi. *Little Francis of Saint Francis*, trans. Thomas Okey. New York: Courier Corporation, 2003.
- Gerbner, Katharine. "Theorizing Conversion: Christianity, Colonization, and Consciousness in the Early Modern Atlantic World." *History Compass* 13, no. 3 (2015): 134–147.
- Haraway, Donna. "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective." *Feminist Studies* 14, no. 3 (1988): 575–599.
- . *The Companion Species Manifesto: Dogs, People, and Significant Otherness*. Chicago, IL: Prickly Paradigm Press, 2003.
- Holloway, John. "Going in the Wrong Direction: Or, Mephistopheles-Not Saint Francis of Assisi." *Historical Materialism* 10, no. 1 (2002): 79–91.
- Howitt, William. *Colonization and Christianity: A Popular History of the Treatment of the Natives by the Europeans in All their Colonies*. Alexandria: Library of Alexandria, 2017.
- Hughes, J. Donald. "Francis of Assisi and the Diversity of Creation." *Environmental Ethics* 18, no. 3 (1996): 311–320.
- Johnston, Basil. *Ojibway Heritage*. Toronto: McClelland & Stewart, 1987.

King, Hayden. "The Erasure of Indigenous Thought in Foreign Policy." Open Canada, July 31, 2017. [www.opencanada.org/features/erasure-indigenous-thought-foreign-policy/](http://www.opencanada.org/features/erasure-indigenous-thought-foreign-policy/)

Mbembé, J. A. and Judith Inggs. "On the Power of the False." *Public Culture* 14, no. 3 (2002): 629–641.

Mohawk, John, "The Right of Animal Nations to Survive." *Daybreak Magazine*, Summer 1988.

Preece, Rod and David Fraser. "The Status of Animals in Biblical and Christian Thought: A Study in Colliding Values." *Society & Animals* 8, no. 3 (2000): 245–263.

Sayers, Naomi. "Our Bodies Are Not Terra Nullius." *Kwe Today: Fierce Indigenous Feminism* (March 2015). <http://kwetoday.com/2015/03/20/our-bodies-are-not-terra-nullius/>.

Simpson, Leanne. *Dancing on Our Turtle's Back: Stories of Nishnaabeg Re-creation, Resurgence, and a New Emergence*. Winnipeg: Arbeiter Ring, 2011.

Smith, Linda Tuhiwai. *Decolonizing Methodologies: Research and Indigenous Peoples*. New York: Zed Books, 1999.

Sorrell, Roger D. *St. Francis of Assisi and Nature: Tradition and Innovation in Western Christian Attitudes Toward the Environment*. Oxford, New York: Oxford University Press, 1988.

Todd, Zoe. "An Indigenous Feminist's Take on the Ontological Turn: 'Ontology' Is Just Another Word for Colonialism." *Journal of Historical Sociology* 29, no. 4 (2016): 4–22.

Watts, Vanessa. "Indigenous Place-Thought and Agency amongst Humans and Non Humans (First Woman and Sky Woman Go on a European World Tour!)." *Decolonization: Indigeneity, Education & Society* 2, no. 1 (2013): 20–34.

White, Lynn. "The Historical Roots of Our Ecologic Crisis." *Readings in Biology and Man* 155, no. 3767 (1967): 1203–1207.

# 6 Beyond edibility: Towards a nonspeciesist, decolonial food ontology

Kelly Struthers Montford and Chloë Taylor

## Introduction

In “Integrating Ethical Frameworks for Animals, Humans and Nature: A Critical Feminist Eco-Socialist Analysis,”<sup>1</sup> Val Plumwood distinguishes between ontological ethical veganism and contextual ethical veganism, and argues against the former, or the position: “animals are not food.” Plumwood’s criticism of ontological veganism hinges on her view that it is necessarily imperialist towards Indigenous peoples, for whom animals are food, and necessarily alienates us from the natural world, which is essentially predatory. In this chapter, we will resist this argument in two ways: first, by questioning the distinction between ontological and contextual, and second, by showing that Plumwood’s contextual ethical veganism is not contextual enough—in today’s settler colonial contexts, where Indigenous people often eat meat derived from industrial animal agriculture, or hunt when this is no longer necessary for subsistence, some Indigenous scholars have argued that veganism may in fact be more consonant than meat-eating with traditional Indigenous worldviews.<sup>2</sup> “Critical ontologies and ontological veganism” section thus argues that ontology need not be opposed to a contextual food ethics; on the contrary, building on the arguments of Foucauldian philosopher Johanna Oksala,<sup>3</sup> we insist that ontologies, including food ontologies, are always contextual and political. This is then demonstrated through two examples. “The politics of

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<sup>1</sup> Val Plumwood, “Integrating Ethical Frameworks for Animals, Humans, and Nature: A Critical Feminist Eco-Socialist Analysis.” *Ethics & the Environment* 5, no. 2 (2000): 285–322.

<sup>2</sup> This is not to deny that there some Indigenous communities continue to subsist largely through hunting, trapping, fishing, and procuring plants in their traditional territories. For instance, Zoe Todd notes that “Paulatuuqmiut have strong local involvement in harvesting activity, with 74.7% of households in 2008 reporting that half or more of their food came from harvesting” (220). See Zoe Todd, “Fish Pluralities: Human-Animal Relations and Sites of Engagement in Paulatuuq, Arctic Canada.” *Études/Inuit/Studies* 38, no. 1–2 (2014): 217, doi:10.7202/1028861ar.

<sup>3</sup> Johanna Oksala, “Foucault’s Politicization of Ontology.” *Continental Philosophy Review* 43, no. 4 (November 2010): 445–466, doi:10.1007/s11007-010-9153-6.

dominant food ontologies in Western settler colonial societies” section considers dominant ontologies of humans, animals, and food in Western, settler colonial societies, while “The politics of alternative food ontologies” section examines the political nature of alternative food ontologies through a discussion of the popular and academic food writings of Michael Pollan<sup>4</sup> and Lisa Heldke.<sup>5</sup> Although food ontologies are often taken as implicitly universal, relying on notions such as “real” or “natural” versus “fake,” we show that these concepts are embedded in a politics of human supremacy and able-bodied, middle-class privilege and a patriarchal nostalgia for the woman-cooked meal.

Finally, in our concluding section we argue that despite the shortcomings of the food ontologies discussed in previous sections, and despite Plumwood’s critiques of ontological veganism in particular, it is still ethically and politically useful to ontologize food, even while we recognize our ontologies to be contextual and political. This is because the sedimentation of our political ontologies into identities facilitates ethical and political practices.<sup>6</sup> More specifically, we argue that if we cultivate an understanding of animals and their milk and eggs as “not food,” it is easier for us to not eat them, whereas so long as we ontologize animals as edible, resisting eating them is an ongoing effort. This is a contextual ontological stance since it is always tacit that the products we are rejecting are not food for us or under current circumstances; we simultaneously recognize that these products are, practically speaking, edible, that there are creatures who do eat them, and, under certain conditions, that we ourselves might eat them. In our current circumstances, however, we are asserting the fact that we do not consider them food. In so doing, we introduce a distinction between what is edible and what is food—edibility being what can be eaten, while food is what we do eat.

We thus advocate adopting a contextual ontological veganism as part of the practice of vegan identity constitution. Although we recognize that veganism does not end all of the suffering associated with food production and that there are even some situations in which a vegan diet can harm animals and do more ecological damage than certain omnivorous diets,<sup>7</sup> we follow Richard Twine in arguing that veganism is “a beginning, not an end,”<sup>8</sup> and a good ethical rule of thumb for reducing ecological harm and human and nonhuman suffering alike; we thus take the cultivation of a vegan identity, which facilitates vegan eating, to be a good thing. Thus, building on Plumwood’s writings, we propose a food ontology in which animals do not exist as always already food, but as equal subjects with their own interests who happen (like humans) to be edible. Such an

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<sup>4</sup> Michael Pollan, *Food Rules: An Eater’s Manual* (New York: Penguin, 2009).

<sup>5</sup> Lisa Heldke, “An Alternative Ontology of Food: Beyond Metaphysics.” *Radical Philosophy Review* 15, no. 1 (2012): 67–88, doi:10.5840/radphilrev20121518.

<sup>6</sup> Chloë Taylor, “Foucault and the Ethics of Eating.” *Foucault Studies* 9 (September 1, 2010): 71–88.

<sup>7</sup> Plumwood, “Integrating Ethical Frameworks for Animals, Humans, and Nature,” 304.

<sup>8</sup> Richard Twine, “Ecofeminism and Veganism: Revisiting the Question of Universalism.” *Ecofeminism: Feminist Intersections with Other Animals and the Earth*, edited by Carol J. Adams and Lori Gruen (New York: Bloomsbury Publishing USA, 2014), 193.

approach, we argue, far from being imperialist, lends itself to a nonspeciesist ontology of food that disrupts settler colonial carnophallogocentrism.

## Critical ontologies and ontological veganism

Val Plumwood opens “Integrating Ethical Frameworks for Animals, Humans and Nature: A Critical Feminist Eco-Socialist Analysis” with two epigraphs that encapsulate her arguments. The first, from Annie Dillard, asks, “Is this what it’s like... a little blood here, a chomp there, and still we live, trampling the grass? Must everything whole be nibbled?” Plumwood’s response to Dillard is “yes,” and as the epigraph concludes, “we the living are nibbled and nibbling—not held aloft on a cloud in the air but bumbling pitted and scarred and broken through a frayed and beautiful land.”<sup>9</sup> Plumwood’s second epigraph, from Shakespeare’s *The Tempest*, is Miranda’s exclamation: “I have suffered/with those I saw suffer!”<sup>10</sup> For Plumwood, following Miranda, the ethical solution to living in a nibbly world is to accept that we will be both nibblers and nibbled, or that reciprocity is a fundamental part of ecological embodiment.

The epigraph by Dillard expresses Plumwood’s view that nature is essentially predatory, with all living things being part of a food chain, both eaters and eaten. Plumwood sees ecologists and animal ethicists as having responded in two, polarized ways to this fundamental fact about nature: one response, often seen in deep ecology, is to imagine humans at the top of the food chain, and to celebrate the role of Man the Hunter; the second response, often seen in the work of animal ethicists, is to deny that humans are part of nature, and to demonize predation both on our own parts and even on the parts of other animals. For Plumwood, this polarization is indicative of the contrasting failings of ecology and animal ethics: ecology goes so far in focusing on ecosystems that it fails to consider animals as morally valuable individuals, while animal ethics goes so far in considering the moral value of individual animals that it fails to contemplate ecosystems as wholes, the moral considerability of plants within ecosystems, or humans as part of those ecosystems. Both responses fail to recognize that there is no top to the food chain, or that humans too are edible and eaten.

While Plumwood loathes the glorification of hunting by privileged white people that characterizes some academic ecological writings, she spends most of her article criticizing animal ethicists, and especially ecofeminists, for demonizing predation, failing to recognize plant-eating as a kind of predation, and reproducing a Cartesian worldview in which humans are alienated from nature. According to Plumwood, when animal ethicists argue that the predation of animals on one another must be tolerated because they are irrational and amoral, and that humans should be vegans because we have “reason,” they reproduce a divide and hierarchy between humans and other animals, thus replicating the very rationalism that animal ethics critiques and that has historically

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<sup>9</sup> As cited in Plumwood, “Integrating Ethical Frameworks for Animals, Humans, and Nature,” 285.

<sup>10</sup> Ibid.

justified the human domination of animals and ecosystems. Animal ethics, which began by challenging the Cartesian dualism between humans and animals, quickly slides into a neo-Cartesianism, introducing a new hierarchical dualism between animals (as morally considerable) and the rest of nature (as without moral value), complete with the logic of domination<sup>11</sup> that characterized the original Cartesianism.

For Plumwood, the categorical demand that humans be vegan not only alienates us from nature but is also “aggressively ethnocentric”<sup>12</sup> since it sees the hunting practices of Indigenous peoples (like those of predatory nonhuman animals) as an evil—perhaps one that must be tolerated, but which is far from the moral ideal exemplified by white Western vegan city-dwellers. According to Plumwood, ecofeminists have focused disproportionately on the evils of hunting—including Indigenous hunting—because they have mistakenly believed that hunting is a universally masculine practice, whereas Indigenous women are thought to have restricted themselves to gathering roots and berries. Such a view (which Plumwood insists is empirically false) reinforces the ecofeminist perception of men as forces of ecocide in contrast to the inherently life-giving and pacifist nature of women. Although the focus on hunting may serve the gender essentialist ends of cultural ecofeminism, Plumwood argues that it is an unreasonable allocation of our political and academic energies, given that animal agriculture is far more destructive to animals and the environment than hunting.

Plumwood characterizes the position that veganism is a categorical imperative (with exemptions reluctantly made for predatory animals and certain geographically constrained groups of people) as “ontological veganism.” She contrasts this with the competing ecofeminist concept of “contextual ethical veganism.” For ontological vegans, according to Plumwood, if a being is morally considerable, it should never be ontologized as edible. Hence, if we consider animals to be morally considerable, we should be vegan. Although this seems like a plausible position, the problems with this view, for Plumwood, are that it is “racist”<sup>13</sup> and that it “results in a deep rejection of ecological embodiment... since all embodied beings are food for some other beings.”<sup>14</sup> Plants are also morally considerable, for Plumwood, and if we follow ontological vegans in arguing that we ought not to eat anything morally considerable, there will be nothing that we can eat. Plumwood does not draw an ethical line between animals and other living beings, and argues that predation plays a “foundational and basically egalitarian role... in ecosystems” and is “a way of exchanging or sharing around our common substance.”<sup>15</sup> Although, like any animal would do—and, indeed, as Plant Studies scholars indicate

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<sup>11</sup> Karen J. Warren, “The Power and the Promise of Ecological Feminism,” *Environmental Ethics* 12, no. 2 (1990): 125–146.

<sup>12</sup> Plumwood, “Integrating Ethical Frameworks for Animals, Humans, and Nature,” 286.

<sup>13</sup> *Ibid.*, 291.

<sup>14</sup> *Ibid.*, 295.

<sup>15</sup> *Ibid.*, 292.



that even plants will do<sup>16</sup>—Plumwood fought for her life when a crocodile tried to eat her,<sup>17</sup> she insists that there is nothing morally wrong with predation, and indeed, it is part of the “generosity and excess of nature.”<sup>18</sup>

According to Plumwood, Indigenous peoples not only recognize the place of humans within the food chain, but view food and eating as sacred. Ecofeminists such as Marti Kheel and Carol Adams have, however, dismissed descriptions of sacred eating and of Indigenous hunting as respectful, arguing that it “makes no difference to the animal” if the person who kills her sees her as a “sibling” and sees her death as a voluntary “sacrifice.”<sup>19</sup> For ecofeminist Lori Gruen, Indigenous descriptions of animals sacrificing themselves to hunters are examples of “cultural imperialism” in which humans project their own meanings onto the animals they hunt according to human interests, rather than letting those animals determine their own meanings or respecting those animals’ own interests.<sup>20</sup> For these ecofeminist authors, Indigenous descriptions of the “relational hunt,” as well as the ways that they are taken up by white hunters, are self-deceptions used to allay human guilt and to glorify violent acts as spiritual communions with nature.

Although Plumwood acknowledges that the concept of the “relational hunt” is “sometimes misapplied or invoked in bad faith by those who cannot meet the quite stringent conditions such a reciprocity framework imposes,”<sup>21</sup> she insists that we must not dismiss the concept of sacred eating, for in a world in which we cannot eat without predating on others, this concept is “the way out of the fly bottle.”<sup>22</sup> Sacred eating provides ethical guidelines for eating without a dualistic, ethnocentric, and ecologically alienating horror of predation. It allows us to recognize all life as sacred, even while allowing for the necessity of eating other living beings. Put otherwise, it does not require that we deem a whole category of life as unworthy of moral consideration in order to subsist. As she writes, “In the contextual view, it is not human predation itself we need to oppose... but what certain social frameworks have made of predation.”<sup>23</sup> Importantly, contextual ethical veganism, although “more flexible, less dogmatic and universalist” than ontological veganism, “still provides plenty of good reasons for being a vegetarian in most modern urban contexts, and the major concerns of the animal

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<sup>16</sup> Greta Gaard, “Critical Ecofeminism: Interrogating ‘Meat,’ ‘Species,’ and ‘Plant,’” *Meat Culture*, edited by Annie Potts (Leiden and Boston, MA: Brill, 2016), 264–287.

<sup>17</sup> Val Plumwood, “Being Prey.” *New Earth Reader: The Best of Terra Nova*, edited by David Rothenberg (Cambridge and London: The MIT Press, 1999), 76–92.

<sup>18</sup> Plumwood, “Integrating Ethical Frameworks for Animals, Humans, and Nature,” 292.

<sup>19</sup> Cited in *Ibid.*, 299.

<sup>20</sup> Lori Gruen, “The Faces of Animal Oppression.” *Dancing with Iris: The Philosophy of Iris Marion Young*, edited by Ann Ferguson and Mechthild Nagel (Oxford and New York: Oxford University Press, 2009), 225–237.

<sup>21</sup> Plumwood, “Integrating Ethical Frameworks for Animals, Humans, and Nature,” 299.

<sup>22</sup> *Ibid.*, 300.

<sup>23</sup> *Ibid.*, 289.

defense movement can still be amply vindicated.”<sup>24</sup> For example, Plumwood argues that animal agriculture should be opposed because it reduces animals to “meat,” which she defines as “the result of an instrumentalist-reductionist framework.”<sup>25</sup> “Food” is to be contrasted with “meat,” for Plumwood, and all ecologically embodied beings are food for other beings.

Although Plumwood’s arguments are in many ways persuasive, we question her assumption that ontological and contextual approaches to ethical veganism are necessarily opposed. In “Foucault’s Politicization of Ontology,” Johanna Oksala observes that “ontology” commonly refers to the “fundamental nature of reality and to the systematic study of this nature.”<sup>26</sup> Mainstream philosophers accept that ontologies are objectively given, natural and universal. This is the understanding of ontology with which Plumwood is working when she contrasts universalizing, “ontological veganism” with contextual veganism. Plumwood clearly shows that ontological veganism is political and contingent, in so far as she links it to Western imperialism and argues that we can and should eschew it. That ontologies are not given, but rather something we make and remake, is implied by Plumwood’s use of the verb “ontologize.” Animals, including human animals, are beings whom we may ontologize as edible, and this is an ethical and political decision, not an objective description of a fundamental reality.

However, the fact that ontological veganism is political is part of Plumwood’s reason for rejecting this position. As political, it fails the standard of an ontological claim for Plumwood. In contrast, Plumwood suggests a different food ontology that she considers a mere reflection of fundamental reality, or apolitical. This is her argument that all living things are food for some other creatures. For Plumwood, ontological vegans are simply wrong in their ontological claim and alienated from nature, because the fact of the matter is that all animals (including humans) and all plants are food, and moral considerability has nothing to do with it. Returning to her epigraph, “we the living are nibbled and nibbling—not held aloft on a cloud in the air but bumbling pitted and scarred and broken through a frayed and beautiful land.”<sup>27</sup>

Building on Foucault’s critical project, however, we follow Oksala in arguing that all ontologies are political, including Plumwood’s. Politics is introduced, for instance, the moment that Plumwood collapses the categories of edibility and food—and when she distinguishes between food and meat. In each case, she is drawing political lines. We might ask, moreover, what is politically at stake for Plumwood in insisting on the continuities between plants and animals rather than their differences, when either account would be accurate. What is at stake for Plumwood in insisting that some Indigenous women “gather” small- and medium-sized animals, and not just roots and berries, rather than emphasizing the ways that the most significant types of hunt were reserved for men? We may even ask whether a certain human supremacy underlies

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<sup>24</sup> Ibid., 289.

<sup>25</sup> Ibid., 298.

<sup>26</sup> Oksala, “Foucault’s Politicization of Ontology,” 463.

<sup>27</sup> Plumwood, “Integrating Ethical Frameworks for Animals, Humans, and Nature,” 285.

Plumwood's project, in so far as, in cases of moral conflict, Indigenous human interests appear to always trump the interests of nonhuman animals. When Plumwood notes that it is more ecological to eat wild kangaroo meat than wheat in certain parts of Australia, why does she present these as the only two options? Might there not, for instance, be plant-based foods that are less harmful to that ecosystem than wheat, which might allow humans to spare kangaroos? While it may be a statement of fact that all living things are edible for some other living thing, this is an uninteresting ontological claim; the moment we make it interesting, we introduce politics.

For Oksala, even if we can detect politics under even the most general claims about nature, such as Plumwood's, our task should not be to abandon ontological talk, but rather to render the political nature of that talk explicit. For Oksala, following Foucault, the ontologies that we have are not inevitable; rather, they are the historically contingent outcomes of power struggles. As such, objectivity—or the concepts and social phenomena that we understand as natural and inherent to reality—"can only be the fragile and temporary victory of an ongoing political struggle, and ontology is the sedimented effect of it."<sup>28</sup> This does not mean, however, that the ontologies that have become sedimented over time do not have material effects. On the contrary, we ought to interrogate these ontologies precisely because they structure our practices and our understanding of reality, and thus the realities that we reinforce and create. The task is to politicize ontology since ontology and politics are always co-implicated.

Oksala shows that the politicization of ontology requires and relies upon two theoretical processes. First, ontology has to be denaturalized. This entails the "contestation and provocation of all given and necessary ontological foundations."<sup>29</sup> Here, the task is to render our taken-for-granted ontologies as "arbitrary or at least historically contingent."<sup>30</sup> This allows us to attend to the possibility of competing ontologies that can inform alternative accounts of life, reality, and politics. Second, the power relations that support our ontologies have to be revealed to allow for their "constitutive role in our conception of reality" to be analysed.<sup>31</sup> In other words, the politicization of ontologies requires the denaturalization of ontology as a politically neutral and objective metaphysical account of our world. In turn, this requires the exposure of the operation of power relations and how they shape our conceptions of reality. The following sections aim to expose some of these workings of power in both dominant and alternative food ontologies.

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<sup>28</sup> Oksala, "Foucault's Politicization of Ontology," 462.

<sup>29</sup> *Ibid.*, 447.

<sup>30</sup> *Ibid.*, 445.

<sup>31</sup> *Ibid.*

## The politics of dominant food ontologies in Western settler colonial societies

If we take up Oksala's claim that ontologies are political, it then follows that we cannot attend to the contemporary realities of animal agriculture without interrogating the ontological claims about humans, animals, and food that support these practices. Following Oksala's two-part process, we first show that the species barrier is arbitrary and upheld through the opposition of the human to the animal. Indigenous (Sisseton-Wahpeton Oyate) scholar Kim TallBear argues that Western dualisms such as human/animal, subject/object, life/death are "stubborn binaries...that underlie violent hierarchies in our world."<sup>32</sup> The result of the hierarchical ordering of humans over animals is relations based on speciesism, yet speciesism is not merely an organizing logic but an institution that is mobile in its application. As Cary Wolfe argues, speciesism "can be used to mark any social other"<sup>33</sup> as animal or as more animal than human. The institution of speciesism therefore legitimates the political exclusion of animalized humans and animals from the status of "full" human, and from the legal, cultural, and material protections and privileges this entails. As an institution, speciesism tracks along colonial, racist, ableist, gendered, and heteronormative lines to mark those who are not representative of the archetypal human as closer to animals than to the human.<sup>34</sup>

Claire Jean Kim, for instance, notes that British colonizers constructed Native Americans as more like wolves than European humans. The colonial imagination constructed the Native American as "located in a space of antecedent time and ahistoricity, a primitive as incapable of cultural development as the wolves and trees [they] lived among."<sup>35</sup> Indigenous peoples' ways of relating to land and animals, specifically their lack of private property relationships to either, were taken to be indicative of their savagery.<sup>36</sup> Depictions of Indigenous persons as savage animals in part relied on their supposedly improper relationships to food (i.e., they were pathologized as cannibals, they hunted, and putatively did not farm)—relationships that colonizers used as evidence of their inferiority.

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<sup>32</sup> Kim TallBear, "An Indigenous Approach to Critical Animal Studies, Interspecies Thinking, and the New Materialisms," 2013, 4.

<sup>33</sup> Cary Wolfe, *Animal Rites* (Chicago, IL: University of Chicago Press, 2003), 7.

<sup>34</sup> Carol J. Adams and Lori Gruen, "Introduction." *Ecofeminism: Feminist Intersections with Other Animals and the Earth* (London: Bloomsbury Academic, 2014), 1–6, [www.bloomsbury.com/us/ecofeminism-feminist-intersections-with-other-animals-and-the-earth-9781628926224/](http://www.bloomsbury.com/us/ecofeminism-feminist-intersections-with-other-animals-and-the-earth-9781628926224/); Susan Fraiman, "Pussy Panic versus Liking Animals: Tracking Gender in Animal Studies." *Critical Inquiry* 39, no. 1 (2012): 89–115; Greta Gaard, "Vegetarian Ecofeminism: A Review Essay." *Frontiers: A Journal of Women Studies* 23, no. 3 (2002): 117–146; Twine, "Ecofeminism and Veganism: Revisiting the Question of Universalism"; Wolfe, *Animal Rites*.

<sup>35</sup> Claire Jean Kim, *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age* (New York: Cambridge University Press, 2015), 43–44.

<sup>36</sup> Virginia Anderson, *Creatures of Empire: How Domestic Animals Transformed Early America* (New York: Oxford University Press, 2006); Kim, *Dangerous Crossings*.

This depiction of Indigenous persons as sharing a kinship with animals was also the case in Canada.<sup>37</sup> Daniel Francis' analysis of Canadian educational materials for primary and secondary students shows that "until the 1960s, textbook Indians were sinister, vicious figures, without history or culture."<sup>38</sup> Indigenous persons were not framed as belonging to sovereign nations, "but as part of the landscape which had to be explored and subdued."<sup>39</sup> Early Canadian federal governments relegated First Nations persons to the realm of the natural. In the 1882 Speech from the Throne, Indigenous persons were described as nomadic "children of the Prairie and of the Forest."<sup>40</sup> The Indian Act, implemented in 1876, excluded Indigenous persons from the category of legal personhood, with the 1927 revision to the Act decreeing that "the expression 'person' means any individual other than an Indian"—a stipulation that remained in the Act until 1951.<sup>41</sup> In this context, to be animalized is to be excluded from the realm of the human, and subject to being non-criminally killed. Indigenous persons were targeted by settler-colonial genocide, and their deaths were not considered acts of murder but part of the colonial process of conquest.

As a tactic of settler colonialism, animality continues to be a mobile and denigrated status that functions to subjugate animalized humans and animals.<sup>42</sup> For animals targeted by the fur trade and agriculture, a Western ontology of animality "re-ma[de] animal bodies into colonial subjects to normalize settler modes of political life (i.e., territorial acquisition, anthropocentrism, capitalism, white supremacy, and neoliberal pluralism) that further displace and disappear Indigenous bodies and epistemologies."<sup>43</sup> In this sense, attempts to erase Indigenous ontologies were fundamental to settler colonialism which pivoted upon the simultaneous "disappearance of indigeneity and the sedimentation of settler life-ways as normative."<sup>44</sup> As such, the species-barrier is a resource that settlers used to justify their claims of superiority vis-à-vis the Indigenous persons they encountered, and through which they justified their subjugation of nonhuman others.

Anderson's research on encounters between the Algonquin and English colonists during the 17th century shows that in this context, the species-barrier was unique to colonists:

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<sup>37</sup> Daniel Francis, *National Dreams: Myth, Memory, and Canadian History*, 1 edition (Vancouver: Arsenal Pulp Press, 1997).

<sup>38</sup> *Ibid.*, 72.

<sup>39</sup> *Ibid.*

<sup>40</sup> Canada, "Speech from the Throne," 1882.

<sup>41</sup> Janine Brodie, "White Settlers and the Biopolitics of State Building in Canada." *Shifting the Ground of Canadian Literary Studies*, edited by Smaro Kamboureli and Robert Zacharias (Waterloo: Wilfrid Laurier University Press, 2013), 105.

<sup>42</sup> Billy-Ray Belcourt [see this volume pg xx]/"Animal Bodies, Colonial Subjects: (Re)Locating Animality in Decolonial Thought." *Societies* 5, no. 1 (December 24, 2014): 5, doi:10.3390/soc5010001.

<sup>43</sup> Belcourt [see this volume pg xx]/9.

<sup>44</sup> *Ibid.*, 2.

Although Europeans placed all nonhuman creatures into a generic category of animals, Indians may instead have conceived of animals only as distinct species. Colonists who compiled lists of native vocabulary recorded names for many kinds of animals, but no Indian word for “animal” itself... If this linguistic peculiarity represented a genuine conceptual difference, it suggests that Indians did not conceive of the natural world in terms of a strict human-animal dichotomy but rather as a place characterized by a diversity of living beings.<sup>45</sup>

This does not mean that Indigenous people did not understand themselves as different from nonhumans, but it does indicate that this difference did not translate into a worldview wherein animals always already exist as resources for humans.<sup>46</sup> Métis scholar Margaret Robinson’s analysis of Mi’kmaq legends also shows that these legends do not include a strict species divide, nor the associated parsing of human and animal life.<sup>47</sup>

In Mi’kmaq cosmologies, one’s species (species itself being a Western taxonomy) is not fixed: “Mi’kmaq legends view humanity and animal life as being on a continuum, spiritually and physically. Animals speak, are able to change into humans, and some humans marry these shapeshifting creatures and raise animal children.”<sup>48</sup> Unlike European metaphysics, Mi’kmaq ontology does not index speech and rationality as exclusive to humans. Instead, this understanding of human-animal life is more appropriately understood as part of an Indigenous metaphysics of interrelatedness.<sup>49</sup> Testimony given by a Mi’kmaq representative to the Royal Commission on Aboriginal Peoples highlights the interconnectedness of humans, animals, and the more-than-human world: “Just as a human being has intelligence, so too does a plant, a river or an animal. Therefore, the people were taught that everything they see, touch or are aware of must be respected.”<sup>50</sup> Chief Jacob Thomas from the Iroquois confederacy explains “human beings were the last to emerge in the order of creation, and they are the most dependent of all creatures on the sacrifice of plant and animal life for their survival.”<sup>51</sup> Unlike a Western ontology of the human as an atomistic and autonomous rational actor for whom the world exists in the form of unending resources, within an Indigenous metaphysic of

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<sup>45</sup> Anderson, *Creatures of Empire*, 18.

<sup>46</sup> *Ibid.*

<sup>47</sup> Margaret Robinson, “Veganism and Mi’kmaq Legends.” *The Canadian Journal of Native Studies* 33, no. 1 (2013): 189–196; Margaret Robinson, “Animal Personhood in Mi’kmaq Perspective.” *Societies* 4, no. 4 (December 3, 2014): 672–688, doi:10.3390/soc4040672.

<sup>48</sup> Robinson, “Veganism and Mi’kmaq Legends,” 191.

<sup>49</sup> TallBear, “An Indigenous Approach to Critical Animal Studies, Interspecies Thinking, and the New Materialisms”; Kim TallBear, “Beyond the Life/Not-Life Binary: A Feminist-Indigenous Reading of Cryopreservation, Interspecies Thinking, and the New Materialisms.” *Cryopolitics*, edited by Joanna Radin and Emma Kowal (Cambridge, MA: The MIT Press, 2017).

<sup>50</sup> Royal Commission on Aboriginal Peoples, Volume I: Looking Forward, Looking Back (Ottawa: Government of Canada, 1996), 50.

<sup>51</sup> *Ibid.*, 602.

interrelatedness humans are dependent upon animals and land for their survival.<sup>52</sup> In this way, humans do not exist above or outside nature, but are positioned within the realm of the natural.

Mi'kmaq ontologies also refrain from positioning humans as exceptional or as the rational masters of the more-than-human world: "No human being possessed all the forces, nor could human beings control the forces of the stars, sun or moon, wind, water, rocks, plants and animals."<sup>53</sup> Animals therefore are not objects to be manipulated according to the needs of humans, but are ontologized as subjects in their own right: "they exist for their own purposes, as self-aware rational beings whose existence is for themselves rather than for us."<sup>54</sup> This does not mean that Mi'kmaq persons did not consume animals, but that the ontologies underpinning their relations were premised on respect for one's siblings. Robinson writes that animals "are not made for food, but willingly become food as a sacrifice for their friends."<sup>55</sup>

Accordingly, animals had to give their consent to be consumed by humans. Robinson describes that according to the legends she analysed, "the animals are willing to provide food and clothing, shelter and tools, but always they must be treated with the respect given to a brother and friend."<sup>56</sup> Their value lies not in the purposes they can serve to humans, but in the fact that the creature itself is a living being. Because animals are considered "independent people with rights, wills, and freedom"<sup>57</sup> consent can be retracted if the terms of agreement are violated, as when people kill animals needlessly, do not treat them with respect, or take more than they need. The notion that animals are self-determining is in stark contrast to a Western structure of sacrifice wherein animals are solely resources to be directed towards human ends. In Mi'kmaq legends, humans express regret over the death of an animal.<sup>58</sup> Nishnaabeg scholar Leanne Betasamosake Simpson notes that in the Nishnaabeg language, the verb for hunting is also the verb for mourning.<sup>59</sup> This indicates that animals are mournable subjects, an orientation to animals that is largely precluded by Western ontologies of animality.<sup>60</sup>

Inasmuch as Indigenous cosmologies do not organize life according to a species-barrier, animals are not mere physical objects, but are also subjects of the spiritual realm. Robinson writes that according to Mi'kmaq legends, "animals have independent

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<sup>52</sup> Ibid.; Robinson, "Veganism and Mi'kmaq Legends"; Robinson, "Animal Personhood in Mi'kmaq Perspective."

<sup>53</sup> Royal Commission on Aboriginal Peoples, Volume I: Looking Forward, Looking Back, 50.

<sup>54</sup> Robinson, "Animal Personhood in Mi'kmaq Perspective," 674.

<sup>55</sup> Robinson, "Veganism and Mi'kmaq Legends," 192.

<sup>56</sup> Ibid., 191.

<sup>57</sup> Ibid., 192.

<sup>58</sup> Robinson, "Veganism and Mi'kmaq Legends."

<sup>59</sup> Leanne Simpson, *Dancing on Our Turtle's Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: Arbeiter Ring Publishing, 2011), 142.

<sup>60</sup> Chloë Taylor, "Respect for the (Animal) Dead." *Animal Death*, edited by Fiona Probyn-Rapsey and Jay Johnston (Sydney: Sydney University Press, 2013), 87–103.

life, their own purpose and their own relationships with the creator.”<sup>61</sup> The Algonquin of New England understood certain animals (as well as humans and objects) as possessing *manitou*, meaning that they possessed a form of spiritual power that was evident in their appearance, their behaviour, their rarity, and/or their ability to elude hunters. Animals were understood to have spiritual protection that resulted in specific human-animal relations. They “could not be treated lightly, as if they were merely commodities placed on earth for human benefit.”<sup>62</sup> Due to their potential to be spiritually powerful, animals had a special status within these nations. By likening myths about animal spirits to deities within a Christian framework, colonists failed to understand native spirituality on its own terrain.

Anderson writes that animals were directed by their spiritual protectors to “offer themselves as gifts to humans in return for gratitude and respect.”<sup>63</sup> Animals and animal spirits were thus understood as powerful subjects who controlled humans’ access to hunted animals.<sup>64</sup> The idea that animals were in spiritual relationships with the Creator competed with the humanist ontologies to which settlers were committed. The settlers who arrived in the Mi’kma’ki region in the 17th century did not respect their ontologies of siblinghood. As Robinson writes: “French Roman Catholic missionaries, for example, viewed the Mi’kmaq cosmology in which animals, trees, and rocks had souls as primitive, idolatrous, and sinful.”<sup>65</sup> Colonists positioned Mi’kmaq worldviews as naïve and as further evidence that they required civilization, justifying the institution of residential schools. In testimony given to the Truth and Reconciliation Commission (TRC), residential school survivor Mary Courchene recalls being taught that:

My people were no good. This is what we were told every day: You savage. Your ancestors are no good. What did they do when they, your, your, your people, your ancestors you know what they used to do? They used to go and they, they would worship trees and they would, they would worship the animals.”<sup>66</sup>

As such, colonial institutions such as residential schools targeted and sought to replace Indigenous cosmologies with Western humanism.

In Canada, the fur trade worked not only to consolidate imperial wealth but also as a pivot from which to institute Western humanism. If it were the case that Mi’kmaq human-animal relations were those of siblinghood and that oral traditions warned

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<sup>61</sup> Robinson, “Veganism and Mi’kmaq Legends,” 193.

<sup>62</sup> Anderson, *Creatures of Empire*, 21.

<sup>63</sup> *Ibid.*, 29.

<sup>64</sup> *Ibid.*, 31.

<sup>65</sup> Robinson, “Animal Personhood in Mi’kmaq Perspective,” 677.

<sup>66</sup> As cited in Truth and Reconciliation Commission of Canada, *What We Have Learned: Principles of Truth and Reconciliation.*, 2015, 107, <https://central.bac-lac.gc.ca/.item?id=IR4-6-2015-eng&op=pdf&app=Library>.



against the overconsumption of animals, the colonial project required both an ontological and a relational shift. Robinson suggests that relationships with settlers, which were premised on the exchange of hunted animals, catalysed a shift in human-animal relations:

Newly arrived settlers—particularly the French, who made an effort to learn our language and culture—quickly came to hold greater significance to the Mi'kmaq than our relationship with our animal kin. Our relationship with settlers usurped the place that animals had held in our lives and animals eventually came to be treated as objects for exchange rather than as persons in their own right. The view of animals as objects is reflected in our treaties with settler governments, and has codified an instrumental view of animals as if it were an inherent aspect of Mi'kmaq culture.<sup>67</sup>

Robinson shows that practices relying on the subjugation of nonhuman animals worked to institute Western ontologies of life and were not confined to the fur trade. The institution of animal agriculture not only worked as a primary mode of territorialization but was a primary way in which settlers interacted with animals (as resources and as always already food).

Animal agriculture relies on populations of domesticated animals that were not present prior to colonization efforts. Anderson suggests that the Algonquin lacked native animals who were suitable for domestication. Moreover, they practised subsistence hunting and had no need to domesticate animals. Colonists brought farmed animals such as pigs and cattle to settle the “new world” in the image of their European homelands.<sup>68</sup> For the Algonquins, the domesticated animals who arrived with settlers in New England were unusual animals with a peculiar status who posed practical and conceptual problems. While some animals, such as dogs, might have lived in proximity to Native Americans, the presence of tame individual animals would not have provided an adequate conceptual framework that rendered domestication intelligible.<sup>69</sup> Because domestication entails the selection of specific traits (i.e., docility, quick weight gain, high milk production), confinement, and animal husbandry, while aiming to alter an entire species over multiple generations, it was both an orientation and relationship to animals that did not resonate with the Algonquin worldview.

Settlers arrived from contexts where animal agriculture was ubiquitous, and the human-animal relations entailed in domestication and farming of animals were largely unquestioned. They thought these to be both natural and superior to the modes of life they witnessed upon arrival to the “new world.”<sup>70</sup> Animals, whose myriad differences are flattened under the label of “the animal” in Western humanism, become homogenized

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<sup>67</sup> Robinson, “Animal Personhood in Mi'kmaq Perspective,” 676.

<sup>68</sup> Anderson, *Creatures of Empire*.

<sup>69</sup> *Ibid.*

<sup>70</sup> *Ibid.*; Robinson, “Animal Personhood in Mi'kmaq Perspective.”

others whose unifying feature is that they are not human.<sup>71</sup> In tracing the logic of the subjugation of animals in Western philosophy over the past two centuries, Derrida shows that it is through the opposition of the human to the animal, and through the disavowal of the animal and animalistic characteristics, that the human positions himself as having evolved from being just an animal to a superior “animal, but a speaking one.”<sup>72</sup> Derrida demonstrates how a Cartesian ontology of the human (as a rational atomistic actor) is contrasted to an ontology “of the animal-machine that exists without language and without the ability to respond.”<sup>73</sup> The human, alone, is then the proper subject. Animals are denied consciousness and subjectivity to the extent that they are excluded as equals in legal, ethical, or political registers. It is these ontological accounts—of the human as a rational master, and therefore the subject, and of the animal as an input-output machine that cannot be a subject—that authorize carnophallogocentrism. To be animalized entails the simultaneous processes of being rendered non-criminally killable, and of existing solely as a resource for humans—the result of which ironically effects what philosopher Lisa Guenther has described as a “de-animalization.”<sup>74</sup>

Guenther refers to de-animalization as “the reduction of a living, relational animal to a nonrelational thing to be stored, exchanged, or even destroyed without regard for its particular ways of being in the world.”<sup>75</sup> To be de-animalized is to have one’s ontology denied as a feeling, intersubjective being who develops a sense of themselves in relation to others in a shared world. In intensive confinement practices such as factory farming and the prison’s solitary confinement cell, beings are de-animalized through the denial of intercorporeal relations, “reduced to input-output machines, mechanisms of stimulus and response, separable units of behaviour that can be disorganized and reorganized according to the requirements of the animal industrial complex.”<sup>76</sup> This account of de-animalization in the setting of the factory farm can be put in conversation with James Stanescu’s discussion of the deading of life within the factory farm.<sup>77</sup>

Stanescu argues that the purpose of animal agriculture is to produce corpses for human consumption. In this way, Stanescu provides a clear example of Derrida’s logic of sacrifice as the non-criminal killing of animals. While a murderer tries to evade detection and/or hide the victim’s body, the fact that the victim is nonhuman negates the possibility of a murder having been committed: “no one hides themselves in the slaughter of animals. But at the same time, the animals themselves are not hidden. Rather,

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<sup>71</sup> Jacques Derrida, *The Animal That Therefore I Am*, 3 edition (New York: Fordham University Press, 2008).

<sup>72</sup> Derrida, 120.

<sup>73</sup> *Ibid.*, 121.

<sup>74</sup> Lisa Guenther, *Solitary Confinement* (Minneapolis: University of Minnesota Press, 2013).

<sup>75</sup> *Ibid.*, 157.

<sup>76</sup> *Ibid.*

<sup>77</sup> James Stanescu, “Beyond Biopolitics: Animal Studies, Factory Farms, and the Advent of Deading Life.” *PhaenEx* 8, no. 2 (2013): 135–160.

the productions of their remnants are the very point of the practices.”<sup>78</sup> Because the production of corpses is the objective of the factory farm, Stanescu argues that we should understand the factory farm as a means of “deading life,” of producing “beings who should be alive, but are already somehow dead.”<sup>79</sup> Reduced to input-output machines, living farmed animals exist as the products they produce or will become upon their deaths. While both Guenther and Stanescu consider contemporary operations of de-animalization and deadening life to explain human-animal relations in factory farms, these logics are not limited to industrial agricultural operations. Settler colonial projects in Canada and the United States relied on these co-implicated processes to impose humanist ontologies.

Inasmuch as colonists sought to remake the new world in the image of their homeland, they imagined “meadows filled with cattle...[with] peacefully grazing herds serv[ing] as familiar emblems of civilized life.”<sup>80</sup> Along with the animals themselves, the legal status of farmed animals as chattel property was imported from the old world to the colonies. In Canada and the United States, animal agriculture was thus not the inevitable result of historical progress, but was a focused and targeted strategy of colonial governments. Colonists understood the practice of animal agriculture to be an important marker of civility, as it entailed “proper” relationships to animals and land (as productive property), as well as to labour (as diligent and contributing to the wealth of the nation).<sup>81</sup> Because of its link to civilized norms, agriculture became a means for colonists to assert the difference and superiority of white settlers over Indigenous persons. For example, in 1891 the Commissioner of Indian Affairs proclaimed that “there are three tests which mark the advance of the Indians towards civilization, viz., the adoption of the dress of the white man, engaging in agriculture, and the education of their children.”<sup>82</sup> While some Indigenous nations in New England and Canada did farm, and settlers relied on their harvests when facing starvation, Indigenous persons “did so without domestic animals—a difference that turned out to be far more significant than anyone could have imagined.”<sup>83</sup> Without these specific relationships to land and animals materialized in animal agriculture, colonists determined that Indigenous persons did not make proper use of land, and therefore were more akin to wolves than to European peoples.

The space of the forest, which colonists sought to clear for agriculture, came to represent an anachronistic space containing both wolves and lupine humans: “Like the wolves in the forests and the buffalo on the plains, [Indigenous people] had to give way

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<sup>78</sup> Ibid., 152.

<sup>79</sup> Ibid., 155.

<sup>80</sup> Anderson, *Creatures of Empire*, 77.

<sup>81</sup> Ibid.

<sup>82</sup> Dewdney in Canada, “Annual Report of the Department of Indian Affairs.” *Sessional Papers of the Dominion of Canada*, 1891, xxvi.

<sup>83</sup> Anderson, *Creatures of Empire*, 6.

in the face of advancing white civilization.”<sup>84</sup> Practically, colonists wanted to clear the forests of wolves (who threatened their livestock) so that they could make a legal claim to it via animal agriculture. In Virginia, colonists in the mid-17th century devised a plan to clear the forests of predatory animals. Native Americans were encouraged to kill wolves in exchange for cows. For every eight wolf heads they brought to the House of Burgess, they would be given one cow. Here we have a scheme that “use[d] domestic beasts to reward beast-like men for subduing and killing wild beasts.”<sup>85</sup> Wolves and farmed animals were not considered subjects with their own interests; instead, this approach shows that they were deanimalized, considered “separable units of behaviour”<sup>86</sup> that can be intervened upon and exterminated as per the needs of colonialism. Humanist ontologies provided the conceptual framework wherein Indigenous persons, wolves, and farmed animals were populations intervened upon and put to death for the advancement of the colonial project.

The colonial understanding of domesticated animals was inconsistent with the cosmologies of Native Americans for whom animals belonged to the spiritual realm and required respect. Yet, the European dualism that categorizes animals as wild or domesticated mapped onto colonists’ notions of Indigenous inferiority and worked to justify their project of colonization. For colonists, the “absence” of domesticated animals signalled missed economic opportunities and uncivilized human-animal relations.<sup>87</sup> For the Native Americans examined by Anderson, living animals were not property, and they “did not have an equivalent conceptual category for living chattel. Instead, Native peoples granted individuals property rights only to animals they had killed.”<sup>88</sup> In the geopolitical spaces targeted by European colonists, however, the legal designation of animals as property worked to translate animals from siblings into resources, and imposed this view on Indigenous peoples through treaty relationships describing animals as property. For Robinson, this is an outcome of colonialism that affected a fundamental shift in human-animal relations for Indigenous peoples: “meat, as a symbol of patriarchy shared with colonizing forces, arguably binds us with white colonial culture.”<sup>89</sup>

While Mi’kmaq food cultures are traditionally animal-based, settler colonialism not only changed how food is produced and obtained (animal agriculture instead of subsistence hunting), but also changed the ontologies shaping these practices. Using the example of fishing, Robinson argues:

The modern commercial fishery, often touted as offering economic security for Aboriginal communities, is actually further removed from our Mi’kmaq

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<sup>84</sup> Kim, *Dangerous Crossings*, 48.

<sup>85</sup> *Ibid.*, 45.

<sup>86</sup> Guenther, *Solitary Confinement*, 151.

<sup>87</sup> Anderson, *Creatures of Empire*, 33.

<sup>88</sup> *Ibid.*, 38.

<sup>89</sup> Robinson, “Veganism and Mi’kmaq Legends,” 191.

values than modern-day vegan practices are. The former views fish as objects to be collected for exchange, with economic power taking the place of sustenance, while the latter is rooted in a relationship with the animals based upon respect and responsibility.<sup>90</sup>

The ontological status of agricultural animals as deadened life is not just a condition of farming but, in this instance, also functioned as a distinct mode of colonial conquest that shapes our current perception of reality in terms of our alimentary norms, human-animal relationships, and ideas about private property. What this discussion suggests is that Plumwood, unlike Robinson, fails to be contextual enough in so far as she categorically defends contemporary Indigenous hunting practices as if they operated everywhere in the same way as they did historically. Plumwood never accounts for the ways that settler colonialism has changed some Indigenous peoples' relationships to animals, or the fact that some animal species that Indigenous peoples traditionally hunted—such as grey whales—are in danger of extinction.<sup>91</sup>

## The politics of alternative food ontologies

While animal and food ontologies are merely implicit in the settler colonial discourses and practices described above, food philosophers and popular writers have begun considering questions of food ontologies explicitly. The two examples of contemporary food ontologies that will be explored in this section are Michael Pollan's (2009) New York Times bestseller, *Food Rules: An Eater's Manual*,<sup>92</sup> and philosopher Lisa Heldke's article, "An Alternative Ontology of Food."<sup>93</sup> The following examination of work on contemporary food ontologies reveals the sedimentation of humanist and settler colonial ontologies. As we show, food ontologies continue to support and reproduce whiteness, speciesism, and ableism as natural.

What remains in ontological flux are the political, cultural, and social concerns shaping contemporary decisions about what food is.

In *Food Rules*, Pollan provides what he states are 64 simple rules about what we should eat. Pollan's impetus for proposing these food rules is that the American public is unhealthy due to diets high in industrially produced and processed foods. This diet, he claims, is resulting in increasing rates of obesity, diabetes, and other chronic illnesses. For Pollan, the problem is that the American public is saturated with information about the nutritional content of foods, but is unable to discern what to actually eat.<sup>94</sup> He proposes that his rules will both simplify and improve the quality of life and the

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<sup>90</sup> Ibid., 193.

<sup>91</sup> Kim [see X chapter of this volume]/, *Dangerous Crossings*.

<sup>92</sup> Pollan, *Food Rules*.

<sup>93</sup> Heldke, "An Alternative Ontology of Food," 2012.

<sup>94</sup> Pollan, *Food Rules*, ix.

health of his readers who will consequently have the tools to discern real from fake food. For Pollan, only real food—meaning whole foods that are organic and in their natural state—should be considered food and consumed. His ontology claims to reveal “important truths about food.”<sup>95</sup> Heavily processed and/or industrially produced foods are not food, for example, but are instead “edible like substances.”<sup>96</sup>

Temporality and tradition are important to Pollan’s ontology. Rule 2 states: “Don’t eat anything your great-grandmother wouldn’t recognize as food,”<sup>97</sup> while Rule 10 instructs readers to “avoid foods that are pretending to be something they are not.”<sup>98</sup> This includes novelty foods such as “soy-based mock meats” which “should be labelled as imitation and avoided.”<sup>99</sup> In this way, Pollan dismisses the nontraditional use of what are in fact “real” foods such as soybeans, wheat, and coconut. He does not consider the purpose mock meats serve, such as a food politics informed by animal ethics. For Pollan, mock meats, like other foods produced by modern technologies, ought not to be considered real food, which description is reserved for “the plants, animals, and fungi people have been eating for generations.”<sup>100</sup>

Pollan insists that “real food is alive—and should therefore eventually die.”<sup>101</sup> Most available foods, he writes, “don’t deserve to be called food” because they are derived from “corn and soy that no normal person keeps in the pantry.”<sup>102</sup> Yet Pollan does not acknowledge who this “normal person” is. Like other proponents of the “mainstreamed alternative food movement,”<sup>103</sup> Pollan implicitly assumes as his universal subject a white heteronormative, middle-class and able-bodied eater with the means and access to shop at the farmer’s market.<sup>104</sup> For example, rule 44 states: “Pay more,

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<sup>95</sup> Ibid., xvii.

<sup>96</sup> Ibid., xviii.

<sup>97</sup> Ibid., 7.

<sup>98</sup> Ibid., 23.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid., 3.

<sup>101</sup> Ibid., 29.

<sup>102</sup> Ibid., 5.

<sup>103</sup> Kim Q. Hall, “Toward a Queer Crip Feminist Politics of Food.” *PhiloSOPHIA* 4, no. 2 (2014): 183.

<sup>104</sup> Julia Guthman, “If They Only Knew”: The Unbearable Whiteness of Alternative Food.” *Cultivating Food Justice: Race, Class, and Sustainability*, edited by Alison Hope Alkon and Julian Agyeman (Cambridge, MA: MIT Press, 2011), 263–282, [www.jstor.org/stable/j.ctt5vjpc1](http://www.jstor.org/stable/j.ctt5vjpc1); Hall, “Toward a Queer Crip Feminist Politics of Food”; Chaone Mallory, “Locating Ecofeminism in Encounters with Food and Place.” *Journal of Agricultural and Environmental Ethics* 26, no. 1 (February 2013): 171–189, doi:10.1007/s10806-011-9373-8; Vasile Stanescu, “‘Green’ Eggs and Ham? The Myth of Sustainable Meat and the Danger of the Local.” *Journal of Critical Animal Studies* 1, no. 11 (2010): 8–32; Vasile Stanescu, “Why ‘Loving’ Animals Is Not Enough: A Response to Kathy Rudy, Locavorism, and the Marketing of ‘Humane’ Meat.” *The Journal of American Culture* 36, no. 2 (2013): 100–110; Chloë Taylor, “Foucault and Critical Animal Studies: Genealogies of Agricultural Power,” *Philosophy Compass* 8, no. 6 (June 1, 2013): 539–551, doi:10.1111/phc3.12046.

eat less,”<sup>105</sup> and encourages his readers to “Get out of the supermarket,”<sup>106</sup> and “Buy your snacks at the farmers’ market” (rule #16) where you will find “real food” that “your great-grandmother, or even your Neolithic ancestors, would easily recognize as food.”<sup>107</sup> Although farmers’ markets are expensive, Pollan glosses over issues of income, and does not address correlations between economic means, race, and ability.<sup>108</sup>

Like other advocates of locavorism, Pollan positions those who do not eat according to his rules as having a deficit in knowledge about the virtues of local foods.<sup>109</sup> By synthesizing nutritional data and historical food practices into 64 rules, Pollan hopes to impart knowledge about good food, specifically how to eat real food that will lead to health. Consumers are told that by improving their health and their food choices they will support their nation through the reduction of healthcare costs.<sup>110</sup> The subject on whom this movement is predicated is presumed to be a rational actor who can make “proper” choices that will guard against disability and illness now and in the future.<sup>111</sup> In this way, Pollan provides a future-oriented ontology that positions real food as that which prevents and cures disability. In so doing, Pollan’s food rules participate in a eugenicist logic that seeks to eliminate disability from the social body. Health is defined as a state of nondisability, and the consumption of real food is positioned as a means to achieve such health. For Hall, Pollan’s ontology enacts an alimentary ableism that assumes “all are able to cook and live at home”<sup>112</sup> and “in which corporeal and national integrity must be protected from that which threatens to contaminate, corrupt, and dissolve it from within.”<sup>113</sup>

The industrialization of food production is worrisome for Pollan not only because it will result in weight gain and poor health, but because it negatively alters the relationship we should have with food. Symptoms of problematic relationships are evident when: “food is fuel rather than a form of communion with other people, and also with other species—with nature.”<sup>114</sup> Eating alone or eating on the go are problems

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<sup>105</sup> Pollan, *Food Rules*, 99.

<sup>106</sup> Rule 15, *Ibid.*, 33.

<sup>107</sup> *Ibid.*, 35.

<sup>108</sup> For a discussion of the extremely circumscribed access to healthy food on Indigenous reserves, largely restricted to “munchies” such as pastries, candy, microwaveable submarines, hamburgers, and chips, see Billy-Ray Belcourt, “Meditations on Reserve Life, Biosociality, and the Taste of Non-Sovereignty,” *Settler Colonial Studies*, January 19, 2017, 1–15. As Belcourt writes, “organic foods are worlds away” (5).

<sup>109</sup> Guthman, “‘If They Only Knew’: The Unbearable Whiteness of Alternative Food.”

<sup>110</sup> See Anna Kirkland, “The Environmental Account of Obesity: A Case for Feminist Skepticism,” *Signs: Journal of Women in Culture and Society* 36, no. 2 (2011): 463–485; Talia L. Welsh, “Healthism and the Bodies of Women: Pleasure and Discipline in the War against Obesity,” *Journal of Feminist Scholarship* 1, no. 11 (2011), 33–48.

<sup>111</sup> Welsh, “Healthism and the Bodies of Women.”

<sup>112</sup> Pollan, *Food Rules*, 181.

<sup>113</sup> *Ibid.*, 179.

<sup>114</sup> *Ibid.*, 135.

of modernity; rules 58 and 59 instruct that the reader “do all [their] eating at a table”<sup>115</sup> and to “try not to eat alone.”<sup>116</sup> Pollan posits that eating alone will lead to overeating, since we will not self-regulate if not under the gaze of others. In this regard, Pollan’s food rules are not only underpinned by fat-phobia, but falsely correlate body size and health.<sup>117</sup>

Pollan’s explanation for Americans’ fatness is tied to a nostalgia for a heteronormative past that relied on women’s labour in the home (rule # 63). An ontology premised on real food tacitly extols women’s return to the home and the kitchen to prepare better food for their families. At stake for Pollan are civilized social relations performed and produced by “the shared meal [that] elevates eating from a biological process of fueling the body to a ritual of family and community.”<sup>118</sup> For proponents of the alternative food movement, the end of the heteronormative family meal is often connected to the demise of wholesome family values.<sup>119</sup> Feminists are blamed for these changing food habits and the commensurate loss of its associated values. This anxiety is particularly raced: concern is focused on white women who work outside of the home and rely on processed or prepared food to feed their families. This ignores the fact that most women of colour have always had to work outside the home—often performing shadow labour to prepare the home-cooked family meals for white families that proponents of local food are so invested in recuperating.<sup>120</sup> The values supporting this ontology—in part, that fat represents a moral failing and is unhealthy—also functions to aesthetically discipline women according to patriarchal norms of femininity.

Finally, Pollan’s prescriptions about how to prepare food and with whom to eat enact an alimentary speciesism. Pollan’s claim that eating real and pure food is a means of communing with “other species—nature”<sup>121</sup> is a relationship that is accomplished in no other way than by eating those with whom one communes. Within Pollan’s food ontology, animals are denied a subjecthood of any ethical consequence. Instead, they exist as deaded life, imagined as the meat and products they will become. Rule 27 advises readers to “eat animals that [sic] have themselves eaten well” for the reason that “the diet of the animals we eat strongly influences the nutritional quality, and healthfulness, of the food we get from them, whether it is meat or milk or eggs.”<sup>122</sup> Animals are figured as resources whose inputs will affect their outputs in ways desirable or beneficial to human consumers.

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<sup>115</sup> Ibid., 127.

<sup>116</sup> Ibid., 129.

<sup>117</sup> Kirkland, “The Environmental Account of Obesity”; Welsh, “Healthism and the Bodies of Women.”

<sup>118</sup> Pollan, *Food Rules*, 129.

<sup>119</sup> Stanescu, “‘Green’ Eggs and Ham? The Myth of Sustainable Meat and the Danger of the Local”; Hall, “Toward a Queer Crip Feminist Politics of Food.”

<sup>120</sup> Ibid.

<sup>121</sup> Pollan, *Food Rules*, 128.

<sup>122</sup> Ibid., 61.



Pollan's food rules do not evade the fact that the food he is recommending comes from animals. For example, he recommends purchasing "a quarter of a steer, say, or a whole hog—[as] one way to eat well on a budget."<sup>123</sup> Even wild animals exist as already edible for Pollan: "eat wild foods when you can" because these "wild animals themselves eat a diverse diet of plants rather than grain."<sup>124</sup> Pollan's ontology of purity—underpinned by a desire to return to "tradition" and "nature"—positions both domesticated and wild animals as always already edible provided the animals themselves have eaten in a manner that meets Pollan's approval. He remains a recalcitrant meat advocate despite citing health data reporting the better health of vegetarians and vegans (measured as the absence of disease and disability) than that of carnists.

While Pollan's ontology of purity pivots on the improved health of Americans, his reluctance to eliminate meat as food reveals anxiety about and efforts to maintain human superiority over and against animals. He writes that we do not "need to eliminate [meat] from [our] diet[s] if [we] like it."<sup>125</sup> He justifies this claim by saying that humans can achieve similar health outcomes as vegetarians and vegans by eating meat sparingly. He invokes a romanticized relationship to meat, saying that "meat, which humans have been eating and relishing for a very long time, is nourishing food, which is why I suggest 'mostly' plants, not 'only'."<sup>126</sup> This passage shows that for Pollan, meat is about more than its assumed relationship to nutritional outcomes.

Pollan's argument that we should not feel required to give up meat "if we like it" also signals an investment in the preservation of dominant human-animal relations of subjugation. His food ontology seeks to remedy health, but is imbued with idealized imaginings of the relationship between meat consumption, tradition, and the production of the human. For Pollan, farmed animals and wild animals exist as inherently edible provided they have eaten properly. Within this logic of deading life, ethical means of relating to animals are precluded, and the only issue is whether the input given to animals will benefit the humans who eat them. In this way, an ontology of food purity defines real food ("natural" and "traditional") as fixed and imbued by relations of domination necessary for the physical and social well-being of humans.

In her 2012 article, "An Alternative Ontology of Food: Beyond Metaphysics," Lisa Heldke argues for a relational ontology of food that is at least potentially an improvement over Pollan's ontology. Heldke suggests thinking about food not as that which we normatively deem edible or inedible, but rather as a location where pleasure and violence come together. For Heldke, edibility ought to be determined by an ethical consideration of the relations of production of the food in question. The crux of Heldke's argument is that we ought to shift from an understanding of food as edible substances to food as "loci of relations."<sup>127</sup> For Heldke, this would mean moving away from a sub-

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<sup>123</sup> Ibid., 63.

<sup>124</sup> Ibid., 69.

<sup>125</sup> Ibid., 53.

<sup>126</sup> Ibid.

<sup>127</sup> Heldke, "An Alternative Ontology of Food," 82.

stance ontology that uses biological boundaries to delineate the edible from inedible. For instance, vegans say “no” to all animal flesh and secretions, vegetarians say “no” to animal flesh, and carnists say “yes” to all of the above. She gives the example of vegans who might have the baseline criteria for their food ethics be: (1) not from an animal; (2) the conditions of farm workers on top of this; and (3) the ecological ramifications of the production of the food in question. This is inadequate for Heldke, however, because issues are “siloed.” In other words, multiple ethical concerns are prioritized separately.

Heldke’s alternative ontology instead considers the cluster of relations that has rendered something (or someone) edible. These relations, Heldke argues, should be considered as inseparable and “intrinsic layers”<sup>128</sup> of food production. This is the “withness” of food for Heldke, and it is this “being with” that should inform our criteria for edibility:

To be (some particular food) is to be with soil and insects and farm workers, semi trailers and over-the-road truckers, slaughterhouses and slaughterhouse workers, stoves and cooks and plates and waitresses. This steak, in its history, is with all of these others and is with all of these others. And all of these “withs” are at least potentially morally relevant.<sup>129</sup>

As this passage makes clear, while Heldke’s account would seem to lend itself to a consideration of animal ethics, ultimately her food ontology, like Pollan’s, remains ardently invested in preserving humanist ontologies of life. Heldke’s ontology is constrained within the logic of deading life—the animal who has become steak is not considered as such, but is only imagined as flesh that will require the labour of various human workers in order to be consumed. She asks us to be with the workers entailed in the raising, transportation, killing, dismembering, cooking, and serving of the animal who becomes steak. The human workers are the only beings whose subjectivity she recognizes in this example, while animals are relegated to a state of always already food, even in life.

Heldke claims that an ontology of food-as-loci-of-relations forces us to recognize and grapple with the tough cases. Unlike a food ontology based on biological categories, Heldke claims that her alternative ontology could cause the eater to be “somewhat less concerned with [our] own personal clean hands, and more concerned with larger ethical implications of our collective choices.”<sup>130</sup> Heldke is gesturing to the notion that there is no way of consuming without participating in violence; however, she neglects to observe that the amounts of violence required to sustain animal-based diets versus vegan diets are usually vastly disparate. Moreover, while there may be no way for humans to exist in the world without harming others, not all modes of consumption symbolically and materially constitute and sustain the human. If it is the case that

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<sup>128</sup> Heldke, 81.

<sup>129</sup> Ibid., 85.

<sup>130</sup> Ibid., 83.

animal agriculture contributes to the fixity of the human-animal binary, then it is also possible that modes of eating premised on the inedibility of nonhuman others, or on the edibility of humans, disrupt this binary.<sup>131</sup> Thus, to admit that all modes of existence cause harm and participate in violence should not preclude an ethical consideration of the nonhuman animals who will become food in a carnophallogocentric economy of sacrifice.

Heldke's admonition to be less concerned with our own "clean hands" and to be more concerned with the broader implications of our choices privileges concerns for humans over those of animals and the environment. In so doing, Heldke "siloes" ethical concerns about the relations of food production along the axis of species—the very thing her alternative food ontology aims to avoid but cannot given its inherent speciesism. For example, she concludes her article by saying:

Rather than rendering whole biological categories off limits or in bounds (no to mammals; yes to lettuce), this system would sort foods in terms of the relations that produced these particular foods. (No to lettuce grown in non-union farms by workers not properly protected from pesticides; yes to grass fed beef [sic] humanely [sic] slaughtered by union workers with good health care benefits, and eaten in small quantities).<sup>132</sup>

It is surprising that Heldke would present this zero-sum scenario to illustrate the operationalization of her alternative food ontology. Specifically, in her determination of edibility, Heldke relies on the biological category of the human as those whose interests are parsed against nonhuman animals. Yet even in this regard, we should be sceptical of whether a unionized slaughterhouse labour force would adequately attend to the needs of the workers for whom Heldke expresses concern. The harms of slaughterhouse work exceed financial exploitation and physical strain as it is unavoidably violent and requires workers to rationalize harm while suppressing empathy and compassion for nonhuman others.

If we take seriously Heldke's call to allow relationships of production to determine edibility, we also have to consider which relationships are produced via our consumption habits. In so doing, a truly alternative ontology would consider the logics of domination—rooted in a humanist, ableist, white supremacist heteropatriarchy—that are produced through the consumption of nonhumans in contemporary societies. This would allow us to question and resist the violence of animal agriculture which entails: the exploitation and death of approximately 56 billion land animals and between 0.97 and 2.7 trillion sea animals per year; the spillover effect of increased rates of (human) violence in (poor, racialized) communities where slaughterhouses exist; high rates of

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<sup>131</sup> Jovian Parry, "Oryx and Crake and the New Nostalgia for Meat." *Society & Animals* 17, no. 3 (June 1, 2009): 241–256, doi:10.1163/156853009X445406.

<sup>132</sup> Lisa Heldke, "An Alternative Ontology of Food: Beyond Metaphysics." *Radical Philosophy Review* 15, no. 1 (2012): 88, doi:10.5840/radphilrev20121518.

workplace injuries among human workers employed in slaughtering animals and the meat processing and packing industry; and the fact that animal agriculture (small-scale and industrial) is a leading cause of climate change, deforestation, water scarcity, loss of biodiversity, as well as animal and plant species extinctions.<sup>133</sup> Heldke writes that we should “make decisions about whether or not to eat them [foods] according to the degree to which those relationships [of production] promoted qualities defined as ethically desirable.”<sup>134</sup> Building on Heldke’s suggestion, we contend that relinquishing humanist alimentary habits via a nonspeciesist food ontology—where the interests of humans, animals, and the more than human world are weighed equally—would be a true alternative food ontology. Such an ontology would open possibilities for us to relate to others—humans and other animals—in ways that attend to and foster relationships that are ethically desirable. Such an ontology will be explored in the concluding section.

## Conclusions: for a contextual, relational, and ontological veganism

According to Johanna Oksala, “Ontology is politics that has forgotten itself.”<sup>135</sup> Building on a Foucauldian view of ontology as political, the previous sections have demonstrated that food ontologies are invested in power struggles. Specifically, we have argued that the dominant Western food ontology underpins the political logic of settler colonialism, while the food ontologies of alternative food movements such as carnist locavorisms are invested in a politics of purity and human supremacy, as well as political investments in ability, gender, race, and class privilege. Plumwood’s own food ontology—according to which everything living is food (although none of it is, or should be, meat)—is, we contend, also political, in so far as she collapses edibility and food, but draws lines between food and meat, in ways that reflect her political investments in environmental, animal, feminist, and Indigenous politics, as well as her particular ways of hierarchizing these agendas when they come into conflict.

Unlike Plumwood, we do not think that ontological veganism is necessarily imperialist or racist. Drawing on postcolonial critical animal studies scholars such as Maneesha Deckha, we would point out that veganism remains a marginalized diet in

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<sup>133</sup> Amy J. Fitzgerald, Linda Kalof, and Thomas Dietz, “Slaughterhouses and Increased Crime Rates: An Empirical Analysis of the Spillover from ‘The Jungle’ into the Surrounding Community.” *Organization & Environment* 22, no. 2 (June 1, 2009): 158–184, doi:10.1177/1086026609338164; Stanescu, “‘Green’ Eggs and Ham? The Myth of Sustainable Meat and the Danger of the Local”; Stanescu, “Why ‘Loving’ Animals Is Not Enough”; Dinesh J. Wadiwel, “Do Fish Resist?” *Cultural Studies Review* 22, no. 1 (2016): 196–242; Tony Weis, *The Ecological Hoofprint: The Global Burden of Industrial Livestock* (London: Zed Books, 2013).

<sup>134</sup> Heldke, “An Alternative Ontology of Food,” 84.

<sup>135</sup> Oksala, “Foucault’s Politicization of Ontology,” 445.

Western countries, and is thus far from a vehicle of Western imperialism. Western food imperialism has not spread veganism to non-Western countries or to Indigenous domestic populations; rather, it has imposed animal agriculture, animal foods, and factory farming on cultures whose diets have traditionally been plant-based, replacing relational hunting and sacred eating practices with the deadened life of animal agriculture. As Deckha writes, arguments about veganism as food imperialism

discount the enormous amounts of plant and land resources that are required to sustain current Western levels of flesh consumption and ignore the richness of non-Western flesh-free food traditions and ideologies of non-violence toward all living beings. Indeed, these accusations align with the centuries-old majoritarian habit in Western cultures of deriding vegetarianism and, as it has come more into popular consciousness, veganism. What is different (and remarkable) today is that flesh-free diets are impugned for purported imperialist aspirations when they were denounced in the time of British empire-building as markers of anti-imperial and countercultural allegiance. Further... arguments that invoke multiculturalist discourse to disparage vegetarianism/veganism and otherwise sanction cruel animal practices have themselves “gone imperial” in their disregard for animal otherness, vulnerability, and marginalization.<sup>136</sup>

Along similar lines, Richard Twine insists that we must “set debates around vegan universalism within the larger context of the present-day universalization of Western food practices which include, of course, increasing global trajectories of meat and dairy consumption in, for example, Asia and Latin America,” and hence “contemporary accusations of food colonialism and imposition must... be directed [not at vegan activists but] at the unsustainable Westernization of high rates of meat and dairy consumption in new parts of the world.”<sup>137</sup> With respect to Indigenous peoples, we have drawn on Indigenous scholars to argue that in at least some settler colonial contexts, veganism is more consistent with Indigenous cosmologies than meat-eating.

We do not take our task to be the rejection of food ontologies, which we see as an important political tactic for cultivating vegan identities and challenging humanism. Rather, our aim is to render the politics of our food ontologies explicit. In contradistinction to dominant Western food ontologies, the politics of our ontological veganism follows Plumwood in challenging Cartesian dualisms and humanist alienation from nature. Our food ontology is moreover anti-colonial and resists a deadening of life, the view that animals are property or resources, and that animal agriculture is a superior use of land and a justification for settlement. Unlike Pollan’s food ontology, our

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<sup>136</sup> Maneesha Deckha, “Toward a Postcolonial, Posthumanist Feminist Theory: Centralizing Race and Culture in Feminist Work on Nonhuman Animals.” *Hypatia* 27, no. 3 (2012): 535, doi:10.1111/j.1527-2001.2012.01290.x.

<sup>137</sup> Twine, “Ecofeminism and Veganism: Revisiting the Question of Universalism,” 193.

food ontology rejects human supremacy, ableism, sizeism, healthism, and investments in heteronormative gender roles and racialized class privilege. Following Heldke, we argue for an ontology of food that sees what we eat as a loci of relationships; unlike Heldke, however, we in no way privilege relationships among humans over relationships to or between other animals and the more-than-human world.

## References

- Adams, Carol J., and Lori Gruen. "Introduction." In *Ecofeminism: Feminist Intersections with Other Animals and the Earth*, edited by Carol J. Adams and Lori Gruen, 1–6. London: Bloomsbury Academic, 2014.
- Anderson, Virginia. *Creatures of Empire: How Domestic Animals Transformed Early America*. New York: Oxford University Press, 2006.
- Belcourt, Billy-Ray. "Animal Bodies, Colonial Subjects: (Re)Locating Animality in Decolonial Thought." *Societies* 5, no. 1 (December 24, 2014): 1–11. doi:10.3390/soc5010001.
- . "Meditations on Reserve Life, Biosociality, and the Taste of Non-Sovereignty." *Settler Colonial Studies*, January 19, 2017, 1–15. doi:10.1080/2201473X.2017.1279830.
- Brodie, Janine. "White Settlers and the Biopolitics of State Building in Canada." In *Shifting the Ground of Canadian Literary Studies*, edited by Smaro Kamboureli and Robert Zacharias, 87–108. Waterloo: Wilfrid Laurier University Press, 2013.
- Canada. "Speech from the Throne." 1882, <https://lop.parl.ca/staticfiles/ParlInfo/Documents/ThroneSpeech/En/4-04-e.pdf>, p. 19.]]
- . "Annual Report of the Department of Indian Affairs." *Sessional Papers of the Dominion of Canada*, 1891.
- Deckha, Maneesha. "Toward a Postcolonial, Posthumanist Feminist Theory: Centralizing Race and Culture in Feminist Work on Nonhuman Animals." *Hypatia* 27, no. 3 (2012): 527–545. doi:10.1111/j.1527-2001.2012.01290.x.
- Derrida, Jacques. *The Animal that Therefore I Am*. 3 edition. New York: Fordham University Press, 2008.
- Fitzgerald, Amy J., Linda Kalof, and Thomas Dietz. "Slaughterhouses and Increased Crime Rates: An Empirical Analysis of the Spillover from 'The Jungle' Into the Surrounding Community." *Organization & Environment* 22, no. 2 (June 1, 2009): 158–184. doi:10.1177/1086026609338164.
- Fraiman, Susan. "Pussy Panic versus Liking Animals: Tracking Gender in Animal Studies." *Critical Inquiry* 39, no. 1 (2012): 89–115.
- Francis, Daniel. *National Dreams: Myth, Memory, and Canadian History*. 1 edition. Vancouver: Arsenal Pulp Press, 1997.
- Gaard, Greta. "Vegetarian Ecofeminism: A Review Essay." *Frontiers: A Journal of Women Studies* 23, no. 3 (2002): 117–146.

- . “Critical Ecofeminism: Interrogating ‘Meat,’ ‘Species,’ and ‘Plant.’” In *Meat Culture*, edited by Annie Potts, 264–287. Leiden and Boston, MA: Brill, 2016.
- Gruen, Lori. “The Faces of Animal Oppression.” In *Dancing with Iris: The Philosophy of Iris Marion Young*, edited by Ann Ferguson and Mechthild Nagel, 225–237. Oxford and New York: Oxford University Press, 2009.
- Guenther, Lisa. *Solitary Confinement*. Minneapolis: University of Minnesota Press, 2013.
- Guthman, Julia. “If They Only Knew”: The Unbearable Whiteness of Alternative Food.” In *Cultivating Food Justice: Race, Class, and Sustainability*, edited by Alison Hope Alkon and Julian Agyeman, 263–282. Cambridge, MA: MIT Press, 2011.
- Hall, Kim Q. “Toward a Queer Crip Feminist Politics of Food.” *PhiloSOPHIA* 4, no. 2 (2014): 177–196.
- Heldke, Lisa. “An Alternative Ontology of Food: Beyond Metaphysics.” *Radical Philosophy Review* 15, no. 1 (2012): 67–88. doi:10.5840/radphilrev20121518.
- Kim, Claire Jean. *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age*. New York: Cambridge University Press, 2015.
- Kirkland, Anna. “The Environmental Account of Obesity: A Case for Feminist Skepticism.” *Signs: Journal of Women in Culture and Society* 36, no. 2 (2011): 463–485.
- Mallory, Chaone. “Locating Ecofeminism in Encounters with Food and Place.” *Journal of Agricultural and Environmental Ethics* 26, no. 1 (February 2013): 171–189. doi:10.1007/s10806-011-9373-8.
- Oksala, Johanna. “Foucault’s Politicization of Ontology.” *Continental Philosophy Review* 43, no. 4 (November 2010): 445–466. doi:10.1007/s11007-010-9153-6.
- Parry, Jovian. “Oryx and Crake and the New Nostalgia for Meat.” *Society & Animals* 17, no. 3 (June 1, 2009): 241–256. doi:10.1163/156853009X445406.
- Plumwood, Val. “Being Prey.” In *New Earth Reader: The Best of Terra Nova*, edited by David Rothenberg, 76–92. Cambridge and London: The MIT Press, 1999.
- . “Integrating Ethical Frameworks for Animals, Humans, and Nature: A Critical Feminist Eco-Socialist Analysis.” *Ethics & the Environment* 5, no. 2 (2000): 285–322.
- Pollan, Michael. *Food Rules: An Eater’s Manual*. New York: Penguin, 2009.
- Robinson, Margaret. “Veganism and Mi’kmaq Legends.” *The Canadian Journal of Native Studies* 33, no. 1 (2013): 189–196.
- . “Animal Personhood in Mi’kmaq Perspective.” *Societies* 4, no. 4 (December 3, 2014): 672–688. doi:10.3390/soc4040672.
- Royal Commission on Aboriginal Peoples. *Volume I: Looking Forward, Looking Back*. Ottawa: Government of Canada, 1996.
- Simpson, Leanne. *Dancing on Our Turtle’s Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence*. Winnipeg: Arbeiter Ring Publishing, 2011.
- Stanescu, James. “Beyond Biopolitics: Animal Studies, Factory Farms, and the Advent of Deading Life.” *PhaenEx* 8, no. 2 (2013): 135–160.

Stanescu, Vasile. “‘Green’ Eggs and Ham? The Myth of Sustainable Meat and the Danger of the Local.” *Journal of Critical Animal Studies* 1, no. 11 (2010): 8–32.

———. “Why ‘Loving’ Animals Is Not Enough: A Response to Kathy Rudy, Localism, and the Marketing of ‘Humane’ Meat.” *The Journal of American Culture* 36, no. 2 (2013): 100–110.

TallBear, Kim. “An Indigenous Approach to Critical Animal Studies, Interspecies Thinking, and New Materialism.” *Borders of Kinship: Species/Race/Indigeneity*, Latin American & Caribbean Studies program, the Jackson School of International Studies, the Simpson Center for the Humanities, and the Institute for the Study of Ethnicity, Race, & Sexuality (WISER), University of Washington, 2013.

———. “Beyond the Life/Not-Life Binary: A Feminist-Indigenous Reading of Cryopreservation, Interspecies Thinking, and the New Materialisms.” In *Cryopolitics*, edited by Joanna Radin and Emma Kowal, 179–202. Cambridge, MA: The MIT Press, 2017.

Taylor, Chloë. “Foucault and the Ethics of Eating.” *Foucault Studies* 9 (September 1, 2010): 71–88.

———. “‘Foucault and Critical Animal Studies: Genealogies of Agricultural Power.’” *Philosophy Compass* 8, no. 6 (June 1, 2013): 539–551. doi:10.1111/phc3.12046.

———. “Respect for the (Animal) Dead.” In *Animal Death*, edited by Fiona Probyn-Rapsey and Jay Johnston, 87–103. Sydney: Sydney University Press, 2013.

Todd, Zoe. “Fish Pluralities: Human-Animal Relations and Sites of Engagement in Paulatuuq, Arctic Canada.” *Études/Inuit/Studies* 38, no. 1–2 (2014): 217. doi:10.7202/1028861ar.

Truth and Reconciliation Commission of Canada. *What We Have Learned: Principles of Truth and Reconciliation*. 2015. <https://central.bac-lac.gc.ca/.item?id=IR4-6-2015-eng&op=pdf&app=Library>.

Twine, Richard. “Ecofeminism and Veganism: Revisiting the Question of Universalism.” In *Ecofeminism: Feminist Intersections with Other Animals and the Earth*, edited by Carol J. Adams and Lori Gruen, 191–217. New York: Bloomsbury Publishing USA, 2014.

Wadiwel, Dinesh J. “Do Fish Resist?” *Cultural Studies Review* 22, no. 1 (2016): 196–242.

Warren, Karen J. “The Power and the Promise of Ecological Feminism.” *Environmental Ethics* 12, no. 2 (1990): 125–146.

Weis, Tony. *The Ecological Hoofprint: The Global Burden of Industrial Livestock*. London: Zed Books, 2013.

Welsh, Talia L. “Healthism and the Bodies of Women: Pleasure and Discipline in the War against Obesity.” *Journal of Feminist Scholarship* 1, no. 11 (2011): 33–48.

Wolfe, Cary. *Animal Rites*. Chicago, IL: University of Chicago Press, 2003.



## **Section III. Cultural perspectives**

## 7 He(a)rd: Animal cultures and anti-colonial politics

Lauren Corman

What responsibilities do we have, if any, to recognize nonhuman animal cultures within postcolonial<sup>1</sup> analyses, given the proliferation of research detailing animals' cultural capacities? Postcolonial inquiry frequently centralizes concerns about the effects of colonialism on culture—including reclamation and endurance of culture—yet it neglects to include animal cultures within its coordinates. Arguably, the implicit denial of animal cultures within postcolonial theory is symptomatic of its vastly unfettered humanism. In his provocative and valuable article, “Can the Postcolonial Animal Speak?” Chagani interrogates the field’s pervasive humanism:

postcolonial theory has not fully interrogated its own anthropocentrism and as a consequence continues to reproduce a fairly conventional humanism. The field has been preoccupied with questions of difference and agency but has not thus far included other sentient beings in its purview. It has also not been open to “our” similarities, to the vulnerability that humans share with nonhuman animals. Part of the reason for this...is the (post)colonial practice of linking animals and racialized groups.<sup>2</sup>

Even in fields such as critical animal studies, which thinks across a variety of human and nonhuman animal differences, we might expect to find greater engagement with animal culture research. Nonetheless, there is a chronic absence. In light of research that demonstrates how other animals, such as whales,<sup>3</sup> possess traditional cultural knowledge, the assumption that culture is the domain of the human can no longer hold within postcolonial theory or elsewhere.<sup>4</sup> For the purposes of this chapter, I am

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<sup>1</sup> I use the term “postcolonial” within my writing, with the understanding that, while at times a useful placeholder for a range of critical analyses, the “post” prefix in the term is highly contested. In her text, *Indigenous Methodologies: Characteristics, Conversations, and Contexts*, Margaret Kovach (2009) addresses such concern:

<sup>2</sup> Fayaz Chagani, “Can the Postcolonial Animal Speak?” *Society & Animals* 24, no. 6 (2016): 620.

<sup>3</sup> Hal Whitehead, “Conserving and Managing Animals that Learn Socially and Share Cultures.” *Learning & Behavior* 38, no. 3 (2010): 329–336; Luke Rendell and Hal Whitehead, “Culture in Whales and Dolphins.” *Behavioral and Brain Sciences*, 24 (2001): 309–324.

<sup>4</sup> Comparatively, those who study nonhuman animal cultures continue to draw from fields such as anthropology, while they largely ignore postcolonial studies. Although such exclusion warrants further exploration and critique, it is beyond the scope of this chapter.

especially interested in the implications of animal culture for both postcolonial theory and critical animal studies.

Among the most salient critiques of critical animal studies is the general failure both to confront the field's colonialism and to ground its perspectives within anti-colonial analyses.<sup>5</sup> For example, many practices it critiques, such as factory farming and animal experimentation, occur on stolen land seized through colonization, with its widespread and violent impacts on Indigenous people and nonhuman animals.<sup>6</sup> Critical animal studies must also reconcile calls for animal liberation with respect for Indigenous peoples' self-determination, self-governance, and sovereignty, which can include treaty-related claims to animal use. For my part, I write this chapter in the Niagara region, on the traditional territory of Anishinaabeg, Ojibway/Chippewa, and Haudenosaunee<sup>7</sup> peoples,<sup>8</sup> where a yearly Indigenous deer hunt entrenches community antagonisms and remains a political flashpoint.<sup>9</sup> The sharp edges of the debate underscore the ever-present confluence between postcolonial theory and critical animal studies.

To investigate the implications of animal culture, the following chapter extends the writing of those who challenge the anthropocentrism and humanism of postcolonial studies.<sup>10</sup> However, despite the enormous contributions of these works, all discuss culture as strictly a human phenomenon. I add to their interventions a consideration of the social and, and in some cases, cultural dimensions of some animals' lives. Further, my chapter also builds on authors who argue for the inclusion of nonhuman animal societies and cultures within fields such as Sociology.<sup>11</sup>

Before proceeding, I briefly trace my path as an intersectional feminist scholar and consider how my preoccupation with issues of voice and representation led to my

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<sup>5</sup> Billy-Ray Belcourt, "Animal Bodies, Colonial Subjects: (Re)Locating Animality in Decolonial Thought." *Societies* 5 (December 2014): 1–11, doi:10.3390/soc5010001

<sup>6</sup> *Ibid.*

<sup>7</sup> Haudenosaunee refers to the Iroquois Confederacy, comprising the Mohawk, Oneida, Onondaga, Cayuga, Seneca, and Tuscarora Nations (Ontario Federation of Labour Aboriginal Caucus, n.d.)

<sup>8</sup> Ontario Federation of Labour Aboriginal Caucus. "Traditional Territory Acknowledgements in Ontario," accessed June 7, 2017: <https://ofl.ca/wp-content/uploads/2017.05.31-Traditional-Territory-Acknowledgement-in-Ont.pdf>.

<sup>9</sup> See Sue Donaldson and Will Kymlicka, "Animal Rights and Aboriginal Rights." *Canadian Perspectives on Animals and the Law*, edited by Vaughan Black, Peter Sankoff, and Katie Sykes (Toronto, ON: Irwin Law, 2015), 159–186; Melissa Marie Legge and Rasha Taha. "'Fake Vegans': Indigenous Solidarity and Animal Liberation Activism." *Journal of Indigenous Social Development* 6, no. 1 (2017): 63–81; Dylan Powell, "Veganism in the Occupied Territories: Anti-Colonialism and Animal Liberation," accessed June 1, 2018, <https://dylanxpowell.wordpress.com/2014/03/01/veganism-in-the-occupied-territories-anti-colonialism-and-animal-liberation/>.

<sup>10</sup> For example, Chagani, "Postcolonial Animal"; Maneesha Deckha, "Animal Justice, Cultural Justice: A Posthumanist Response to Cultural Rights in Animals." *Journal of Animal Law & Ethics* 2 (2007): 189–230; Claire Jean Kim, *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age* (New York: Cambridge University Press, 2015), 3–23.

<sup>11</sup> Richie Nimmo, "Animal Cultures, Subjectivity, and Knowledge: Symmetrical Reflections beyond the Great Divide." *Society & Animals* 20, no. 2 (2012): 173–192.

query about the significance of animal cultures for postcolonial studies and critical animal studies. I explore how feminist intersectional theory and postcolonial studies in particular inspired a deeper integration of field-based cognitive ethology within my own research and teaching. Such reorientation has partially been an attempt to challenge the reduction of animals to suffering victims, a common practice not only within animal ethics generally but also within critical animal studies specifically. I have argued elsewhere that such pervasive representations are frequently done at the expense of engaging with richer versions of nonhuman animal subjectivities,<sup>12</sup> and such oversimplification potentially does little to disrupt their objectification, despite this being a main goal of critical animal studies.

Alternatively, against homogenization, many working within postcolonial studies and other areas of social justice have pressed for specificity, appreciation of context, and acknowledgement of diversity and heterogeneity.<sup>13</sup> In response, I increasingly turn to research on nonhuman animal social relations and culture, as one way to draw attention to their complexities. Crucially, it is the inherent specificity of culture—the fact that it is often not practised across the entirety of species, but uniquely practised by different groups within the same species—that further underscores animals’ heterogeneity. Such findings contradict the assumption that all animals within the same species are fungible, and all behaviour is simply an expression of a pre-determined genetic script.

## Background

I grew up in rural Manitoba, 100 km outside of Winnipeg, an epicentre simply referred to as “the city” throughout my childhood. Ensconced within a town of about 3,000 people, my father was the Presbyterian minister within our small community. It was through my first decade that I became attuned to the workings of power and its abuses, as my dad’s domestic violence was often actively ignored by some people within the town; indeed, there were many who rushed to his defence when the details motivating my parents’ divorce came to light. For me, there was never a time outside of politics; that is, there was never a time that I was unaware of politics, never a

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<sup>12</sup> Corman, Lauren, “The Ventriloquist’s Burden: Animal Advocacy and the Problem of Speaking for Others.” *Animal Subjects 2.0*, edited by Jodey Castricano and Lauren Corman (Waterloo: Wilfrid Laurier University Press, 2016), 473–512; “Ideological Monkey Wrenching: Nonhuman Animal Politics beyond Suffering.” *Animal Oppression and Capitalism – Volume 2: The Oppressive and Destructive Role of Capitalism*, edited by David Nibert (Santa Barbara, CA; Denver, CO: Praeger Press, 2017), 252–269.

<sup>13</sup> Raj Kumar Mishra, “Postcolonial Feminism: Looking into Within-Beyond-to Difference.” *International Journal of English and Literature* 4, no. 4 (June 2013): 129–134; Chandra Mohanty, “Under Western Eyes: Feminist Scholarship and Colonial Discourses,” *Feminist Review* 30 (Autumn 1988): 61–88; Margaret Robinson, “All My Relations: Interview with Margaret Robinson.” *Animal Subjects 2.0*, edited by Jodey Castricano and Lauren Corman (Waterloo: Wilfrid Laurier University Press, 2016), 229–247; Edward Said, *Orientalism* (Harmondsworth: Penguin, 1995).

space free from critique of institutions such as the church, and the kinds of complicity required to install and to maintain its leaders.

As an undergraduate student in the mid-1990s, I encountered feminism for the first time, to immediate and profound impact. Women's Studies, as it was called then at the University of Manitoba, gave me a language and analysis to situate my experiences within a larger matrix of cultural, social, and political forces. Like many of the authors I read, theory for me was a matter of survival. Yet, naming my experiences and acquiring a language of critique was both my strength and my undoing: I soon discovered there was no cozy "sisterhood," predicated on the belief that something essential, such as an innate sense of nurturing, united all women. Indeed, appeals to sisterhood were vigorously condemned as delusions of a white-dominated movement, one that called for unity at the same moment that it erased those not reflected in its image. Feminism in the academy largely meant facing the damage done in its name. As a white settler, I felt responsible for legacies of colonialism and racism, including those that shaped the women's movement.

The feminist political landscape at the time was profoundly influenced by both intersectionality and identity politics. On the one hand, standpoint epistemology and identity politics were privileged (one could only "speak" from one's particular social location); while on the other hand, the notion of any type of unitary or fixed identity itself was being challenged (i.e., one was always positioned in multiple ways and there was no such thing as an essential "core" identity). Intersectionality was on the rise; gender was explicitly understood as necessarily complicated by race, class, and sexuality. The Western women's movement faced scrutiny on a number of fronts, and was held to account for its multiple exclusions and harms committed. At their core, many critiques arose in response to the homogenization of the category "woman," which the mainstream movement had assumed to be white, straight, and middle class.

Interwoven were debates about cultural appropriation (at times rendered as "voice appropriation"),<sup>14</sup> prolific at that time, demonstrating the violence of speaking as an outsider about an oppressed group. In Canada, Lenore Keeshig-Tobias' (1990) seminal article, "Stop Stealing Native Stories," published in *The Globe and Mail*, threw such concerns into greater relief, amplifying ongoing concerns about non-Indigenous appropriation of Indigenous stories within Canadian media, including films and literature. Commenting on a variety of non-Indigenous Canadian cultural productions, Keeshig-Tobias argues, "...the real problem is that they amount to culture theft, the theft of voice." She later remarks,

It's not that these stories have never been told; Canadians just haven't heard them. Nor does it mean our writers and storytellers are incompetent and inexperienced.... It means our voices have been marginalized. Imagine,

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<sup>14</sup> John Rowell, "The Politics of Cultural Appropriation." *The Journal of Value Inquiry* 29, no. 1 (1995): 137-142.

Canadians telling native stories because their government outlawed native languages, native culture.<sup>15</sup>

In tandem, critics resisted the victim discourses imposed upon them by white Western feminism, as powerfully articulated by key authors such as Chandra Talpade Mohanty. Her potent article, “Under Western Eyes: Feminist Scholarship and Colonial Discourses” (1988), mounted a sweeping rejection of the imperialist reduction of women in the Global South to an objectified and homogenized victim status. Specifically, she argues against Western feminism’s tendency to flatten or erase the heterogeneity “Third World” women’s experiences. She directs her critique to feminist works that “...discursively colonize the material and historical heterogeneities of the lives of women in the third world, thereby producing/re-presenting a composite, singular ‘Third World Woman’...”<sup>16</sup> Against an a priori assumption that “women” are pre-constituted sexual-political subjects embedded in social relationships, she demonstrates that women are instead constituted through social relationships, a process in which they are also agents.

Amid such theoretical and political insights, the “hog boom” was gripping Manitoba.<sup>17</sup> The province hoped industrial agriculture could revitalize its economy. The intensification of pig production meant an increase in crating systems,<sup>18</sup> with included cramped gestation and farrowing crates, metal contraptions that prevent animals from turning around, let alone any number of other natural behaviours. As a student focused on intersectional analyses of violence, these conditions were both startling and horrifying. Given the sentience of pigs, including their rich emotional and social capacities, their lives seemed characterized by physical pain and intensely debased by a lack of meaningful connections with others, including their own babies. Their purely objectified status within these conditions was staggering; while philosophical texts and some journalistic exposés addressed their plight, only a small collection of overtly feminist and social justice-oriented authors included nonhuman animals within their analyses.<sup>19</sup>

From this vantage, I approached animal oppression from a decidedly intersectional feminist analysis. The political and theoretic contexts mapped above prompted an immediate concern with how animal issues, namely speciesism, intersect and interact with other issues of oppression. My master’s project was motivated by the rise of

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<sup>15</sup> Lenore Keeshig-Tobias, “Stop Stealing Native Stories.” *Toronto Globe and Mail*, January 26, 1990, A7.

<sup>16</sup> Mohanty, “Under,” 242–243.

<sup>17</sup> Joel Novek, “Intensive Hog Farming in Manitoba: Transnational Treadmills and Local Conflicts.” *Canadian Review of Sociology* 40, no. 1 (2003): 3–26.

<sup>18</sup> Bruce Dyck, Terry Fries, Barb Glen, D’Arce McMillan, and Joanne Paulson, “Producers Take Driver’s Seat in Gestation Stall Phase Out.” *The Western Producer*. April 7, 2011, [www.producer.com/2011/04/producers-take-drivers-seat-in-gestation-stall-phaseout/](http://www.producer.com/2011/04/producers-take-drivers-seat-in-gestation-stall-phaseout/).

<sup>19</sup> For example, Carol J. Adams, *The Sexual Politics of Meat: A Feminist Vegetarian Critical Theory* (New York: Continuum, 1996); Karen Davis, “Thinking Like a Chicken: Farm Animals and the Feminine Connection.” *Animals & Women: Feminist Theoretical Explorations*, edited by Carol J. Adams and Josephine Donovan (Durham, NC: Duke University Press, 1995), 192–212; Josephine Donovan, “Animal Rights and Feminist Theory.” *Signs* 15, no. 2 (1990): 350–375.

pig factory farming in my home province. As I began my research, I quickly noted a remarkable dearth of workers' voices within labour theory and history; interviews suggested a promising way their perspectives could be highlighted within both the labour and animal movements. Taking the lead from feminist, postcolonial, and Indigenous authors who questioned the benevolence of representing various human "Others" without consultation, I interviewed both slaughterhouse and factory farm workers within Canadian industrial animal agriculture in an attempt to centralize their voices.

Workers within animal agribusiness often suffer an enormous physical toll in loud, quick-paced, and dangerous conditions. This largely unskilled labour force is frequently racialized and low wage; for women, sexual harassment is also common.<sup>20</sup> By interviewing workers about conditions for themselves and animals, I hoped to challenge the Western animal movements' tendency to vilify precariously employed and vulnerable people within the industry, and sought to build coalitions between animals' and workers' causes. As workers' welfare tends to be intimately connected to animals' welfare within the plants, the potential for solidarity seemed great. Yet, the question of how a concern for voice might apply to the animals themselves—that is, what of their voices?—felt beyond reach, almost unthinkable, as "voice" was ubiquitously presumed to be human, even—or possibly more so—within the animal movements.<sup>21</sup> Cognitive ethology, which might have provided some answers to this question, hovered on the wing, as I was consumed with anti-oppression work and the alleviation of suffering.

Continuing my master's research into a Ph.D. in Environmental Studies, I hosted and produced "Animal Voices," a weekly radio show and podcast. Again, my interest was expressly intersectional. The show aimed to provide a platform for a diversity of voices, ones underrepresented within Western animal advocacy. I was gifted the show, along with a couple of friends, from Mirha-Soleil Ross, a transgender woman and sex worker advocate. Over five years, she had developed a vibrant archive with her co-hosts to foreground interviews with Indigenous people, trans activists, people living with AIDS, and a host of other marginalized persons.

Adjacent to years of hosting the show, my academic work culminated in a Ph.D. dissertation that explored the entanglements of liberal humanism within Western voice discourses. As many social justice movements rely on voice tropes to articulate their claims, and the animal movements especially and pervasively claim to be the "voice of the voiceless" among similar aphorisms, I interrogated how people deploy "voice" in their arguments and activism. Further, I sought to destabilize the common presumption that voice is necessarily and only human. Indeed, in the West, voice serves as a popular synonym for human subjectivity; I wondered how reliance on voice tropes within the animal movements might inadvertently reinforce the erasure of nonhuman animal subjectivities, as animals are regularly rendered as "voiceless." Many social

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<sup>20</sup> David Nibert, "Animals, Immigrants, and Profits: Slaughterhouses and the Political Economy of Oppression." *Critical Animal Studies: Thinking the Unthinkable*, edited by John Sorenson (Toronto, ON: Canadian Scholars' Press, 2014), 3–17.

<sup>21</sup> Corman, "Ventriloquist."

justice movements call for richer versions of subjectivity, in part as a refutation of outsiders' homogenization and reductionism of their communities, including assertion and repetition of their victim status.<sup>22</sup>

People's appeals to voice confront the distortions imposed upon them, including the material and other damages that such delusions wreak. They offer a potent ongoing refusal of oppressors' representations. Considered together, social justice movements collectively articulate claims about their cultures—and their unique struggles—through voice metaphors. Often used as veritable synonyms, voice and culture are entwined in the West. Unfortunately, while reclamation and assertion of culture is enacted in part through voice metaphors, that nonhuman animals might also have cultures eroded through oppression remains widely unimaginable to social justice advocates, as—or even more—unimaginable as animals' complex subjectivities. That animals have voices, including their own cultures, is perhaps laughable at best and offensive at worst for many who deal with the daily violence, great and small, of dominant Western society. As I explore later, the racist and colonial animalization of oppressed peoples (combined with Western deployment of “culture” as a key marker of civilization) makes the disavowal of animal cultures readily understandable. Yet, despite the potential backlash involved in raising the question of animal culture to social justice—and especially decolonial—causes, the issue became unavoidable to me.

## Evidence of animals' cultures

While developing curriculum for the course “Animals in Cross-Cultural Perspective” in 2011, I discovered the animal “cultures wars,”<sup>23</sup> a lively debate that explores the cultural capacities of nonhuman animals. Working from strong evidence that some nonhuman animal species possess cultural capacity, over the next six years I refined the course and associated arguments, a direction that proved catalytic not only to my pedagogy but also to my subsequent scholarship. Until then, I operated within the standard Western definition that presupposes culture's human singularity.

At the time, even very progressive and radical pockets of animal studies extensively reproduced this restrictive understanding of culture, in concert with critical animal studies, despite the latter's dedication to cauterizing the last vestiges of liberal humanism. For example, while having lunch with Maneesha Deckha a couple of years ago, I asked her, “What might the existence of animal culture imply for postcolonial theory?” Deckha, who has long worked at the intersections of posthumanism and postcolonialism, has greatly contributed to the conceptualization of an explicitly anti-racist, postcolonial, posthumanist, and feminist critical animal studies. I was especially cu-

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<sup>22</sup> Arvin, Maile, Eve Tuck, and Angie Morrill, “Decolonizing Feminism: Challenging Connections between Settler Colonialism and Heteropatriarchy.” *Feminist Formations* 25, no. 1 (2013): 8–34.

<sup>23</sup> Kevin Laland and Bennett Galef, eds. *The Question of Animal Culture* (Cambridge, MA: Harvard University Press, 2009).



rious to pose this question because in her scholarship about culture and animals she addresses culture as something exclusively possessed and enacted by human beings. Deckha remarked that she had not considered the implications of animal cultures for a postcolonial theory, but she found the question compelling.

Among her vital interventions, in “Animal Justice, Cultural Justice: A Posthumanist Response to Cultural Rights in Animals,”<sup>24</sup> Deckha draws attention to the exclusion of animals from debates about culture and the law. For instance, she points to “cultural defense” in legal arguments, and how such discourses fail to consider animals. The “cultural defense” suggests that due to cultural biases against them, various marginalized communities should be given exemptions from certain laws. Deckha adeptly troubles discourses of cultural equality, which have typically been framed as matters of human justice, with little concern paid to the potentially negative impacts of some cultural practices and traditions on animals; this presupposition is reproduced even by those who raise concerns about vulnerable members of communities, people such as those potentially harmed by multiculturalist “cultural defenses.” Noting the persistent humanism that informs these debates, Deckha states bluntly, “...animals do not figure as members of our ethical communities.”<sup>25</sup> Despite her posthumanist orientation, in her arguments for animals’ inclusion, animals were not figured as cultural or afforded cultural capacity. Negotiations regarding culture are, by default, about human cultures. However, Deckha (2017) shifts her position in her recent work, as I discuss later.<sup>26</sup>

As alluded, within the West, conventional definitions of culture are often tautological, beginning from the premise that culture is strictly the province of humanity, thus forestalling the possibility of observing culture in nonhuman animals. However, the landscape shifts if one disrupts the enduring anthropocentrism of common definitions, ones that typically assume an a priori human subject, in which culture is regarded as a formidable cleaver, dividing and raising humanity above the rest of the biological and “natural” world. Non-anthropocentric definitions begin instead by understanding culture not as an exclusive human capacity, but as social learning in which novel behaviours are horizontally spread, or vertically, in which new socially learned behaviours are passed down through generations.

As postcolonial studies greatly focuses on the impacts of colonialism on colonized cultures, and how peoples have and might continue to respond to this, the widespread presupposition within postcolonial literature that culture is necessarily human is striking, especially given the mounting evidence that certain animals have cultural capacity.<sup>27</sup> For instance, numerous studies note the discovery of novel behaviours unique to specific animal groups within species (as opposed to evidenced across the entirety of

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<sup>24</sup> Deckha, “Animal Justice.”

<sup>25</sup> Ibid., 192.

<sup>26</sup> Maneesha Deckha, “Is Multiculturalism Good for Animals?” *Animals, Race, and Multiculturalism*, edited by Luis Cordeiro-Rodrigues and Les Mitchell (Basingstoke: Palgrave MacMillan, 2017), 61–93.

<sup>27</sup> Frans B. De Waal and Peter L. Tyack, eds. *Animal Social Complexity: Intelligence, Culture, and Individualized Societies* (Cambridge, MA: Harvard University Press, 2003).

their species). These behaviours are taught within their social group, and they endure past the death of the innovator.<sup>28</sup>

I had been chewing on the question of animal culture for a few years, contemplating what its recognition might suggest for postcolonial studies. Nonetheless, I continue to approach this question with deep trepidation, unsure at this particular political moment, if it is a useful one to ask. Part of my concern is that calls for the inclusion of animals within various social justice-oriented fields, not only postcolonial studies, may be interpreted as a threat to the already oppressed human groups that have endured—and continue to endure—numerous forms of violence. Further, historically, Western oppression of human groups has been enacted through animalizing discourses and practices, in which people are rendered both subhuman, and, concomitantly, as animal-like or as specific kinds of animals, such as vermin, apes, rats, and more.<sup>29</sup> In terms of Western racism, animalization of human groups is integral. As Kim maintains, “Animalization has been central not incidental to the project of racialization, and Blackness, Indianness, and Chineseness have been articulated on U.S. soil for centuries in continuous and intimate relationship with notions of animality and nature...”<sup>30</sup>

Struggles for human rights and social justice are repeatedly made through appeals to a common humanity, as resistance against dehumanization.<sup>31</sup> The casting out of Other human groups is done through an articulation of their distance from the idealized liberal human Subject, a white, cis, heterosexual, able-bodied man. In the West, the notion of Otherness is conventionally understood as a human being who is denied full human status. To suggest that postcolonial studies, which have been so greatly shaped by humanism,<sup>32</sup> should consider nonhuman animal cultures within its purview could understandably be an offensive and delegitimizing suggestion. Indeed, to argue that nonhuman animal cultures should or could be understood as also undergoing processes of colonization may be read as equating and appropriating the specific struggles of colonized peoples, in order to serve an “animal rights agenda.” Appropriation is far too common within the mainstream Western animal movements, which draw analogies between genocide, the Holocaust, and the transatlantic slave trade, thereby decontextualizing the specificity of the violence enacted against humans,<sup>33</sup> while generally failing to join the struggles for human social justice that those analogies rely on. These analogies have greatly angered and alienated many Jewish people and BIPOCs.

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<sup>28</sup> Susan Perry, “Social Traditions and Social Learning in Capuchin Monkeys.” *Philosophical Transactions of the Royal Society of London* 366 (2011): 988–996.

<sup>29</sup> Kim, *Dangerous*; Charles Patterson, *Eternal Treblinka: Our Treatment of Animals and the Holocaust* (New York: Lantern Books, 2002).

<sup>30</sup> Kim, *Dangerous*, 24.

<sup>31</sup> Kristen Hardy, “Cows, Pigs and Whales: Nonhuman Animals, Antifat Bias, and Exceptionalist Logics.” *The Politics of Size: Perspectives from the Fat Acceptance Movement*, edited by Ragan Chastain (Santa Barbara, CA: Praeger, 2015), 187–206.

<sup>32</sup> Chagani, “Postcolonial.”

<sup>33</sup> Kim, *Dangerous*.

Conversely, those who are studying animals' social and cultural relations, within fields such as anthrozoology, anthropology, and conservation biology, among others, are largely not engaged in postcolonial studies. Many working in postcolonial studies, even those who are interested in bringing animals into conversations about postcolonialism, tend not to recognize certain animals as cultural. When culture is discussed in the academic literature about controversies involving culture and animal practices, such as the seal hunt, culture is typically assumed to be human.<sup>34</sup> Animals instead are greatly positioned as suffering beings whose suffering should be taken into consideration, while thinking through the significance of the endurance, revitalization, or reclamation of human cultural animal practices.<sup>35</sup> That is, whether culture (and concomitantly, tradition) justifies animal use or practices remains central to these debates, in which animals' interests are pinned against the cultural practices of colonized peoples.

Repeatedly, scholars who address colonization in relation to animal advocacy issues attempt to reconcile a concern for animal suffering with the practices of peoples who have, and continue to, experience colonization.<sup>36</sup> Some people wish to enact their animal cultural practices not only as meaningful engagements unto themselves, but also simultaneously as acts of resistance against legacies of colonization. That is, reclamation of these engagements is, in part, a challenge to racist and colonial legacies that have degraded, disrupted, and sometimes decimated their cultures. Yet, this is only one way that the animal-related nexus of colonialism, racism, and culture manifests.

Animal practices can also be significant in maintaining culture when immigrants move to the United States and Europe. As Emel, Wolch, and Elder demonstrate, animal practices by "subdominant" groups can lead to "animal-linked racialization," when their animal practices are decontextualized from their places of origin, such as when immigrants move to the United States and continue their animal practices. They state,

Practices bringing harm to animals are being used to racialize immigrant groups.

On the basis of postcolonial theories of racialization and the impacts of postmodern time-space compression in a globalizing economy, this process of animal-linked racialization works to sustain the power of dominant groups over others and helps to deny their legitimacy as citizens.<sup>37</sup>

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<sup>34</sup> For example, Kathleen Rogers and Willow Scobie. "Sealfies, Seals and Celebs: Expressions of Inuit Resilience in the Twitter Era." *Interface: A Journal For and About Social Movements* 7 no. 1 (2015): 70–97.

<sup>35</sup> For example, Andrew Linzey, "An Ethical Critique of the Canadian Seal Hunt and an Examination of the Case for Import Controls on Seal Products." *Journal of Animal Law* 2 (2006): 87–119.

<sup>36</sup> Greta Gaard, "Tools for a Cross-Cultural Feminist Ethics: Exploring Ethical Contexts and Contents in the Makah Whale Hunt," *Hypatia* 16, no. 1 (2001): 1–26.

<sup>37</sup> Glen Elder, Jennifer Wolch, and Jody Emel, "Race, Place, and the Bounds of Humanity." *Society & Animals* 6, no. 2 (1998): 184.

Dominant groups use immigrants' animal practices as a key means to racialize and produce other forms of cultural difference, in which "subdominant groups" are perceived by dominant groups as straying across the human-animal divide, reinforcing their dehumanization and racialization. This can be the case especially when such animal practices involve harm to animals positioned on the "human" side of the human-animal divide, such as companion animals.

Animals figure into human cultures in multiple ways; simultaneously, animalization figures into colonization and racialization in multiple ways. Questions of animals and culture are incredibly fraught in colonial contexts such as North America. Frequently, racist and colonial discourses rely on animalization. Human resistance against such animalization—a process instrumental to the perpetuation of racism and colonialism—can inspire oppressed human groups to distance themselves from such animalization. Further, racist and colonial discourses reliant on animalization are also speciesist and harm nonhuman animals, as predicated as they are on degraded constructions of animals, particularly those animals positioned most firmly on the "animal" side of the human-animal divide. To ask humans who have been dehumanized through animalized discourses to acknowledge nonhuman animal cultures is, perhaps, too great a request when we consider the enormous challenge of (re-)claiming or reasserting one's culture within colonial contexts, and how such struggles are so entangled with deep histories of human-animal relations. Including animal cultures with postcolonial studies and decolonization could be read as again flattening differences and claiming equivalences between human and animal cultures.

Nonetheless, it is generally accepted now that some animals across taxa have culture, including fishes, reptiles, birds, and mammals,<sup>38</sup> though those ascribing to certain narrow definitions still refute this claim.<sup>39</sup> Although much research on animal culture emerges from primatology, scholars such as Hal Whitehead focus primarily on whales and other cetaceans. Whitehead provocatively argues,

Socially learned group-specific behavior is the essence of culture. Thus, the process of social learning and its product—culture—can have major impacts on how animals and their populations interact with humans and, consequently, on how we manage and conserve them.<sup>40</sup>

He makes a strong case that those striving to preserve wild animal populations should seek to conserve not only phenotypic diversity (thus, genetic diversity) but also cultural diversity. Among his arguments, he notes how loss of "traditional knowledge"<sup>41</sup>

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<sup>38</sup> Keith, Sally A. and Joseph W. Bull. "Animal Culture Impacts Species' Capacity to Realise Climate-Driven Range Shifts." *Ecography* 40 (2017): 296–304.

<sup>39</sup> David Premack and Marc D. Houser, "Why Animals Do Not Have Culture." *Evolution and Culture: A Fyssen Foundation Symposium*, edited by Stephen C. Levinson, and Pierre Jaisson (Cambridge, MA: MIT Press, 2006).

<sup>40</sup> Whitehead, "Conserving," 329.

<sup>41</sup> *Ibid.*, 331.

can negatively impact whale populations who, due to this, experience less population resilience. For instance, in one compelling example, Whitehead et al. consider the loss of such knowledge among North Atlantic right whales who have been hunted down to only a few hundred; now only found in select areas where they were historically whaled, their population struggles to rebuild. They are wholly dependent on the Gulf of Maine for food, leading to vulnerability in years when conditions in the Gulf of Maine are poor. The authors argue that loss of traditional knowledge may have resulted in a lack of information about alternative feeding grounds.<sup>42</sup>

Tying his findings to arguments about climate change, Whitehead<sup>43</sup> demonstrates the relationship between animal culture and adaptation to rapidly shifting environments. In some cases, animals' cultural capacity can bolster their ability to respond to rapid changes in environments, while in cases of highly conformist cultures, it can also hinder responsiveness to changing environments. Clearly, rather than just interesting asides, animal cultures can provide crucial information about the effects of climate change on populations, as well as their adaptability in the face of this change. Thus, the recognition of animal culture should directly inform the development of conservation research and strategies that attempt to mitigate the effects of climate change.

Consider, for example, that two different and sympatric sperm whale clans off the Galapagos Islands, the regular clan and the plus one clan, have almost identical nuclear DNA, yet their feeding success varies depending on the year. While the regular clan typically has greater success, during a hotter El Niño year, the plus one clan fared better. These differences are attributable to cultural not genetic differences.<sup>44</sup> Such evidence leads Whitehead to argue, "since global warming may in some ways mimic El Niño, the cultural diversity of this species as represented by the different clans is likely to be important as oceans warm."<sup>45</sup> In relation, writing on species distributional shifts, Keith and Bull encourage the development of appropriate models for conservation under climate change, which would account for animal culture.<sup>46</sup>

Consider, too, the research of marine biologist Shane Gero who studies sperm whale families in the Caribbean. Like Whitehead<sup>47</sup> and Keith and Bull,<sup>48</sup> Gero stresses the implications of animal cultures on conservation. In an interview with CBC's Anna Maria Tremonti, he also maintains that conservation must account for whale cultures. He asserts,

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<sup>42</sup> Hal Whitehead, Luke Rendell, Richard W. Osborne, and Bernd Würsig. "Culture and Conservation of Non-Humans with Reference to Whales and Dolphins: Review and New Directions." *Biological Conservation* 120, no. 3 (2004): 427–437.

<sup>43</sup> Whitehead, "Conserving."

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*, 331.

<sup>46</sup> Keith and Bull, "Animal."

<sup>47</sup> Whitehead, "Conserving."

<sup>48</sup> Keith and Bull, "Animal."

We're in an era where conservation is not just about numbers right, it's about individuals, it's about families and it's about culture. You know protecting the Caribbean for the sake of protecting its dialect is important. People need to realize that just because there are 300,000 sperm whales worldwide, they're all slightly different. You know I'm not interchangeable with my brother and one whale is not interchangeable with another.<sup>49</sup>

When Tremonti asks, "Do you know about whales that concentrate in other areas, like sperm whales in other parts of the world? Do they have like a different language? Did they behave a little differently?" In response, Gero strikingly uses the language of multiculturalism,

Yes. The sort of standard work on sperm whales was done in the Galapagos, 30 years ago. And we know that there, there are five different dialects that all live sympatrically, so kind of like a multicultural society. But what's really interesting is that they're socially segregated, so if you share my dialect then I'll spend time with you, if you don't, I will never spend any time with you. So it structures their society, right? I mean there's a divide between us and them based on these vocal dialects. And they do things differently, so the regular clan forges in a certain way, moves in a certain way, eats a certain thing. And the plus one clan which has codas that have an extra click on the end, that's why we call it the plus one, forges differently, moves differently and feeds on different things. So it is really a whole cultural package, it's not just a label of this is where I'm from.<sup>50</sup>

While debates continue about the existence of animal culture, numerous researchers already use this language to describe behaviour. Further, scientists such as Gero invoke not only animal cultures per se but also animal multiculturalism.

The research on animal cultures and its implications is crossing disciplinary lines from the "natural sciences" to the "social sciences." Deckha, for example, in a recent publication suggests that animal cultures should be included within critical multiculturalism. In the final argument of her chapter, "Is Multiculturalism Good for Animals?" from Cordeiro-Rodrigues and Mitchell's *Animals, Race, and Multiculturalism*, she writes,

In closing, I would like to offer a final reason to consider how multiculturalism can benefit animals. For this reason to cohere, critical multiculturalism must come to connote respect for more-than-human cultures. That

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<sup>49</sup> Anna Maria Tremonti and Shane Gero. "Whale Talk: Canadian Researcher Reveals How Sperm Whales Communicate." March 29, 2016. Podcast retrieved from: [www.cbc.ca/radio/thecurrent/the-current-for-march-29-2016-1.3510249/whale-talkcanadian-researcher-reveals-how-sperm-whales-communicate-1.3510339](http://www.cbc.ca/radio/thecurrent/the-current-for-march-29-2016-1.3510249/whale-talkcanadian-researcher-reveals-how-sperm-whales-communicate-1.3510339).

<sup>50</sup> Ibid.

is, it must shed its humanist foundations to include animal cultures in its purview. This is a connotation that would be radically different from even critical multiculturalism's meaning in academia despite the evidence demonstrating culture in animals. But if multiculturalism signalled respect for animal cultures as well, it would be easy to see how multiculturalism can benefit animals even if respecting animal cultures means respecting inequalitarian practices within animal cultures. At the very least, respecting animal cultures would mean allowing animals to exist— an existence currently denied to billions of animals worldwide who are raised, kept and killed in capitalist extractive industries. Respect and recognition for animal cultures would also disavow one of the classic grounds on which human exceptionalism rests— that humans are the only ones residing in a cultural realm; animals are always already located in the natural realm.<sup>51</sup>

## Cause for concern?

While some might resist the inclusion of animal cultures within postcolonial frameworks, from both an anti-racist and decolonial perspective, I also anticipate apprehension from critical animal studies (and other animal studies) scholars. For instance, am I suggesting that only cultural animals should be afforded consideration within postcolonial theory? Is this not just another form of intellicentrism, a term coined by Jonathan Balcombe to name “our focus on intelligence as the most important yardstick of an individual's worth”?<sup>52</sup> In stunning continuity with liberal humanism, only those deemed intelligent or intelligent enough by certain human standards are included within the moral sphere. Here those with cultural capacity may be granted membership in the “family of man.” Instead of the presence of a soul, the capacity for language, or any other tired criteria propped up to divide the worthy from unworthy, is animal culture now resurrected to beg at the feet of postcolonial studies? Of course, similar appeals have been made before on behalf of animals, based on a range of criteria including tool use and language capacity. The similarity (or sameness) argument is a key way the animal movements have forwarded their agenda. As Bryant notes, such a strategy is a reproduction of the formal equality approach that, in matters of justice, one is required to treat like entities alike.<sup>53</sup>

The argument that animal culture research should be incorporated within postcolonial studies may strike sceptics as either too radical or, ironically, too conservative. While inclusion of animal cultures within postcolonial studies offers a tantalizing dis-

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<sup>51</sup> Deckha, “Is Multiculturalism Good for Animals?” 87–88.

<sup>52</sup> Jonathan Balcombe, “Lessons from Animal Sentience: Towards a New Humanity.” *The Chautauqua Journal* 1, no. 5 (2016): 2.

<sup>53</sup> Taimie L. Bryant, “Similarity or Difference as a Basis for Justice: Must Animals Be Like Humans to Be Legally Protected?” *Law and Contemporary Problems* 70 (Winter 2007): 207–254.

ruption of the field's anthropocentrism, perhaps it only bolsters the legitimacy of criteria traditionally used to deny animals and a host of human Others from full subjectivity, and subsequently from "rights" and "justice." It is precisely this worldview that served European colonization, animalizing non-white humans as well as the animals themselves.<sup>54</sup> All were stripped and emptied of full subjectivity in varied ways, in service of empire, in service of interests not their own. These hierarchical taxonomies moved in perpetual flux, with different categories of animals and non-whites ranked and interacting synergistically, complicating and compounding oppression, in distinct rather than homogenous ways depending on "race" and type of animal.<sup>55</sup> Non-whites and animals were subject to the machinations of the white colonizer who ascribed traits and characteristics based on the colonizers' delusional fantasies, rationalizing myriad forms of violence.

Rather than just setting another high bar for nonhuman animals to clear, only to leave those deemed lacking behind once again, I argue that recognition of animals' cultures can forward the postcolonial and critical animal studies commitment to ever increased recognition of heterogeneity and specificity, as a redress to the reductionism and homogenization inherent to colonial processes. Instead of adherence to the colonizers' terms, we should critically investigate our understandings of culture, as one way—but not the only way—to disrupt the genetic determinism that incessantly defines, reduces, and homogenizes animals.

My claim is not that animals' cultures are exactly like humans'; we can recognize continuities without claiming sameness.<sup>56</sup> In Grant Ramsey's useful article, "Culture in Humans and Other Animals," he explores competing definitions of culture. Through his synthesis, he offers a composite distillation, capturing commonalities, while shedding the anthropocentrism of some: "Culture is defined as information transmitted between individuals or groups, where this information flows through and brings about the reproduction of, and a lasting change in, the behavioral trait."<sup>57</sup> While some will remain steadfast in their anthropocentric definitions, my hope is that others will ask what animal cultures might suggest across disciplines, ideologies, and worldviews. Such work has begun in some pockets of the Academy and elsewhere,<sup>58</sup> but as yet, the question of animal cultures has not made its way to the edges of postcolonial studies, which is only just beginning to address its anthropocentrism, let alone grapple with the more complex aspects of animal life. Recognition of animal cultures is one way to

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<sup>54</sup> Kim, *Dangerous*.

<sup>55</sup> *Ibid.*

<sup>56</sup> Marc Bekoff. *The Emotional Lives of Animals: A Leading Scientist Explores Animal Joy, Sorrow, and Empathy and Why They Matter* (Novato, CA: New World Library, 2007).

<sup>57</sup> Ramsey, Grant. "Culture in Humans and Other Animals." *Biology & Philosophy* 28, no. 3 (2013): 476.

<sup>58</sup> Gabriela Daly, "Nature and Culture Intertwined or Redefined? On the Challenges of Cultural Primatology and Sociocultural Anthropology." *Revue de Primatologie*, accessed June 1, 2018, <https://primatologie.revues.org/1020>.



bring animals' voices—however fraught, imperfect, and inevitably mediated by human discourse—into conversations about the ongoing impacts of colonization across human and animal life, without drawing equivalences.

I offer this argument with the substantial caveat that we should also critically engage research about animal cultures. We should resist the integration of animal culture research into analyses of human-animal relations, postcolonial or otherwise, without also challenging the modern scientific lineages from which much of this knowledge arises. Richie Nimmo's excellent article, "Animal Cultures, Subjectivity, and Knowledge: Symmetrical Reflections beyond the Great Divide," provides a broad interrogation of these epistemologies. Nimmo thoroughly disrupts the conviction that modern science can make animals wholly knowable and completely available to human understanding, as tempting as this belief might be.<sup>59</sup>

Instead, Nimmo presses for an Actor Network Theory (ANT) approach, in which scientific knowledge may be reconceived, wherein "society" and "culture" are understood as produced within practices. These practices are mutually constitutive, relational, and heterogeneous, already including the objects of scientific knowledge, that is, "nature" and nonhuman animals:

With the dissolution of a monolithic "nature" into heterogeneous assemblage and intermediation, the specter of a deterministic natural science of human and animal behaviour recedes. Such a reductive project is shown to be untenable, since it depends upon perpetually suppressing its own reflexive contradictions as well as its relational conditions of possibility. In short, culture cannot be subsumed under nature without simultaneously changing the meaning of "nature" in such a way as to render such objectivism incoherent. Thus, rather than leading inexorably to reductive accounts of human society, the acknowledgement of animals as cultural beings could well help to challenge mechanistic and reductive view of human nature by showing that even nonhuman animals are not biological automata. This is not because animals are autonomous biology, but because biology itself is not autonomous, being embedded within a wider ensemble of heterogeneous relations.<sup>60</sup>

Applied to my argument, a critical reading of animal cultures can help dismantle human/animal, nature/culture, subject/object dualisms, which serve Western colonialism while directly harming myriad humans and animals. Thus, the question of animal cultures can, in some manifestations, offer a potent challenge to Western epistemologies, while in others it can turn animal culture into yet another object of positivist inquiry, divorced from the complex relationality from which it emerges. The study of

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<sup>59</sup> Nimmo, "Animal," 173–192.

<sup>60</sup> *Ibid.*, 187.

animal cultures, when conceptualized as the latter, becomes another bastion of knowledge (and beings) over which to demonstrate mastery. In contrast, Nimmo's position potentially finds resonance within Indigenous epistemologies of "self-as-relationship," in which Indigenous peoples "understand themselves as constituted by their relationships with all living things."<sup>61</sup> As Wilson writes,

As an Aboriginal person I am constituted by my individual self and by my ancestors and future generations, who will originate in and have returned to the land. My relationship to the grass, to the trees, to the insects, to the birds, and even to the hunter animals derives from the fact that my ancestors now are part of the ground. Because the life surrounding me is part of me through my ancestors, I must consider and care for all its constituents.<sup>62</sup>

As I complete this chapter in May 2018, members of the Indigenous Lummi Nation are marching across the United States to demand the release of Tokitae, a captive orca (qw'e lh'ol' mè chen). The 51-year-old whale was taken in the 1970s from the Salish Sea and has since been held at the Seaquarium facility in Miami, Florida. She has lived at the aquarium for the past 47 years. Jewell James of the Lummi Nation argues,

She was ruthlessly taken from her family that lives in our traditional territory....She is not an 'ambassador.' She is a captive and must be reunited with her family. It is our xa xalh xechnging [sacred obligation] to do this.... Not only will she be reintroduced to her native waters, but her pod swims back and forth in that area. So her relatives or family will be right there.<sup>63</sup>

Similarly, Jay Julius, Chairman of the Lummi Governing Council, states,

She belongs here. She belongs to the Salish Sea. Not to Miami. Not to the owners of that Seaquarium. She was stolen from the Salish Sea. She was stolen from her mother. She was stolen from her place of belonging. She was stolen from the place the creator placed her.<sup>64</sup>

Given this context, members of the Coast Salish nation are collaborating with marine biologists to develop a comprehensive plan for Tokitae's return to her home waters,

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<sup>61</sup> S. Wilson, "Self-as-Relationship in Indigenous Research." *Canadian Journal of Native Education* 25, no. 2 (2001): 91.

<sup>62</sup> *Ibid.*

<sup>63</sup> Jewell James and Liam Britten. "Indigenous Delegates Travel Across U.S. to Demand Orca's Release from Aquarium." *CBC News*, accessed June 1, 2018, [www.cbc.ca/news/canada/british-columbia/lummi-whale-aquarium-orca-1.4672162](http://www.cbc.ca/news/canada/british-columbia/lummi-whale-aquarium-orca-1.4672162).

<sup>64</sup> Jay Julius and Geoff Shaaf. *Bring Tokitae Home!*, accessed June 1, 2018. <https://vimeo.com/266726774>.

so she may rejoin her family. Convinced of the viability of their evolving plan, James notes, “We’re sure that the experts will [be] able to work with her and rehabilitate her.”<sup>65</sup> Though the Lummi nation does not invoke the language of “culture” in their appeals for Tokitae’s release, they repeatedly point to her social relationships and her nonhuman animal family. From my perspective, these discourses suggest possible solidarity between those researching animal cultures and those fighting for decolonization.

On the one hand, animal culture research in the West is deeply interpenetrated with humanist and positivist epistemologies, as evidenced within certain histories of cultural primatology, for example.<sup>66</sup> Critiques of scientific epistemology on these grounds, and others, are significant and should not be dismissed. I do not posit that we elevate cognitive ethology, for example, as the latest “saviour” to be imposed upon marginalized human communities, in which they must account for nonhuman animals’ cultures in their animal practices. Arguably, in regard to Indigenous peoples of Turtle Island, such efforts could serve as further extensions of colonization, hindering colonized peoples’ self-determination, self-governance, and sovereignty. On the other hand, research on animal cultures may be marshalled in service of decolonization. Partnerships between Indigenous nations and non-Indigenous experts outside their nations, as gestured to above, offer a potential fortification of decolonial efforts when designed and directed by Indigenous communities themselves.

Further, although animal culture research is still relatively peripheral within the Academy, understandings of animals as relations, nations, and siblings, among others, are not new to many Indigenous peoples of Turtle Island and elsewhere. What I have discussed as “animal cultures” may be inherent to, or continuous with, various Indigenous ontologies and epistemologies. Mi’kmaq scholar, Margaret Robinson, notes,

Aboriginal people have a phrase called “all my relations,” and by relations we mean not only the people and the ancestors to whom we’re related, but also the other animals to whom we’re related. And those are the kinds of things that you see in Mi’kmaq legends. There isn’t a sharp human/animal divide.<sup>67</sup>

Conversely, those most heavily invested in the Western nature/culture dualism may find any suggestion of animal culture implausible.

How and if animal cultures might be critically included in postcolonial studies and decolonization remain open questions, but as I hope this chapter has shown, they are ones worth asking. Similarly, as critical animal studies begin to address its failure to centralize decolonization, how and if the growing body of research on animal cultures should figure into that turn, and the field in general, also lingers unanswered. Regardless of how we respond to these questions, the remarkable heterogeneity of all life deserves recognition.

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<sup>65</sup> James and Britten, “Indigenous.”

<sup>66</sup> Nimmo, “Animal.”

<sup>67</sup> Robinson, “All,” 236.

Tuhiwai Smith critiques the ‘post’ in postcolonial and suggests that ‘naming the world as postcolonial is, from indigenous perspectives, to name colonialism as finished business.’ In focusing on the ‘post’ perspective, it frees one from historical analysis. Within a Canadian Aboriginal context, this is problematic because the non-Indigenous majority are adept at forgetting this country’s colonial history, thus maintaining its reproduction.

(pp. 75–76)

Thus, I employ the term “postcolonial” in name only, not as a description of current contexts.

## References

Adams, Carol J. *The Sexual Politics of Meat: A Feminist Vegetarian Critical Theory*. New York: Continuum, 1996.

Arvin, Maile, Eve Tuck, and Angie Morrill. “Decolonizing Feminism: Challenging Connections between Settler Colonialism and Heteropatriarchy.” *Feminist Formations* 25, no. 1 (2013): 8–34.

Balcombe, Jonathan. “Lessons from Animal Sentience: Towards a New Humanity.” *The Chautaugua Journal* 1, no. 5 (2016): 1–17.

Bekoff, Marc. *The Emotional Lives of Animals: A Leading Scientist Explores Animal Joy, Sorrow, and Empathy and Why They Matter*. Novato, CA: New World Library, 2007.

Belcourt, Billy-Ray. “Animal Bodies, Colonial Subjects: (Re)Locating Animality in Decolonial Thought.” *Societies* 5 (December 2014): 1–11, doi:10.3390/soc5010001.

Bryant, Taimie L. “Similarity or Difference as a Basis for Justice: Must Animals Be Like Humans to Be Legally Protected?” *Law and Contemporary Problems* 70 (Winter 2007): 207–254.

Chagani, Fayaz. “Can the Postcolonial Animal Speak?” *Society & Animals* 24, no. 3 (2016): 619–637.

Corman, Lauren. “The Ventriloquist’s Burden: Animal Advocacy and the Problem of Speaking for Others.” In *Animal Subjects 2.0*, edited by Jodey Castricano and Lauren Corman, 473–512. Waterloo: Wilfrid Laurier University Press, 2016.

Corman, Lauren. “Ideological Monkey Wrenching: Nonhuman Animal Politics beyond Suffering.” In *Animal Oppression and Capitalism – Volume 2: The Oppressive and Destructive Role of Capitalism*, edited by David Nibert, 252–269. Santa Barbara, CA, Denver, CO: Praeger Press, 2017.

Davis, Karen. “Thinking Like a Chicken: Farm Animals and the Feminine Connection.” In *Animals & Women: Feminist Theoretical Explorations*, edited by Carol J. Adams and Josephine Donovan, 192–212. Durham, NC: Duke University Press, 1995.

Deckha, Maneesha. “Animal Justice, Cultural Justice: A Posthumanist Response to Cultural Rights in Animals.” *Journal of Animal Law & Ethics* 2 (2007): 189–230.

Deckha, Maneesha. "Is Multiculturalism Good for Animals?" In *Animals, Race, and Multiculturalism*, edited by Luis Cordeiro-Rodrigues and Les Mitchell, 61–93. Basingstoke: Palgrave MacMillan, 2017.

De Waal, Frans B. and Peter L. Tyack, eds. *Animal Social Complexity: Intelligence, Culture, and Individualized Societies*. Cambridge, MA: Harvard University Press, 2003.

Donaldson, Sue and Kymlicka, Will. "Animal Rights and Aboriginal Rights." In *Canadian Perspectives on Animals and the Law*, edited by Vaughan Black, Peter Sankoff, and Katie Sykes, 159–186. Toronto, ON: Irwin Law, 2015.

Donovan, Josephine. "Animal Rights and Feminist Theory." *Signs* 15, no. 2 (1990), 350–375.

Dyck, Bruce, Terry Fries, Barb Glen, D'Arce McMillan, and Joanne Paulson. "Producers Take Driver's Seat in Gestation Stall Phase Out." *The Western Producer*. April 7, 2011. [www.producer.com/2011/04/producers-take-drivers-seat-in-gestation-stall-phaseout/](http://www.producer.com/2011/04/producers-take-drivers-seat-in-gestation-stall-phaseout/).

Elder, Glen, Jennifer Wolch, and Jody Emel. "Race, Place, and the Bounds of Humanity." *Society & Animals* 6, no. 2 (1998): 183–202.

Gaard, Greta. "Tools for a Cross-Cultural Feminist Ethics: Exploring Ethical Contexts and Contents in the Makah Whale Hunt." *Hypatia* 16, no. 1 (2001): 1–26.

Hardy, Kristen. "Cows, Pigs and Whales: Nonhuman Animals, Antifat Bias, and Exceptionalist Logics." In *The Politics of Size: Perspectives from the Fat Acceptance Movement*, edited by Ragen Chastain, 187–206. Santa Barbara, CA: Praeger, 2015.

James, Jewell. "Lummi Nation Calls for Release of Tokitae from Miami Seaquarium." *The Island's Sounder*. Accessed June 1, 2018. [www.islandssounder.com/life/lummi-nation-calls-for-release-of-tokitae-from-miami-seaquarium/](http://www.islandssounder.com/life/lummi-nation-calls-for-release-of-tokitae-from-miami-seaquarium/)

James, Jewell, and Geoff Shaaf. Bring Tokitae Home! Accessed June 1, 2018. <https://vimeo.com/266726774>

James, Jewell and Liam Britten. "Indigenous Delegates Travel Across U.S. to Demand Orca's Release from Aquarium." *CBC News*. Accessed June 1, 2018. [www.cbc.ca/news/canada/britishcolumbia/lummi-whale-aquarium-orca-1.4672162](http://www.cbc.ca/news/canada/britishcolumbia/lummi-whale-aquarium-orca-1.4672162).

Keeshig-Tobias, Lenore. "Stop Stealing Native Stories." *Toronto Globe and Mail*, January 26, 1990, A7.

Keith, Sally A., and Joseph W. Bull. "Animal Culture Impacts Species' Capacity to Realise Climate-Driven Range Shifts." *Ecography* 40 (2017): 296–304.

Kim, Claire Jean. *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age*. New York: Cambridge University Press, 2015.

Kovach, Margaret. (2009). *Indigenous Methodologies: Characteristics, Conversations, and Contexts*. Toronto: University of Toronto Press.

Kumar Mishra, Raj. "Postcolonial Feminism: Looking into Within-beyond-to Difference." *International Journal of English and Literature* 4, no. 4 (June 2013): 129–134.

Laland, Kevin and Bennett Galef, eds. *The Question of Animal Culture*. Cambridge, MA: Harvard University Press, 2009.

Legge, Melissa Marie and Rasha Taha. “‘Fake Vegans’: Indigenous Solidarity and Animal Liberation Activism.” *Journal of Indigenous Social Development* 6, no. 1 (2017): 63–81.

Linzey, Andrew. “An Ethical Critique of the Canadian Seal Hunt and an Examination of the Case for Import Controls on Seal Products.” *Journal of Animal Law* 2 (2006): 87–119.

Mohanty, Chandra. “Under Western Eyes: Feminist Scholarship and Colonial Discourses.” *Feminist Review* 30 (Autumn 1988): 61–88.

Nibert, David. “Animals, Immigrants, and Profits: Slaughterhouses and the Political Economy of Oppression.” In *Critical Animal Studies: Thinking the Unthinkable*, edited by John Sorenson, 3–17. Toronto: Canadian Scholars’ Press, 2014.

Nimmo, Richie. “Animal Cultures, Subjectivity, and Knowledge: Symmetrical Reflections Beyond the Great Divide.” *Society & Animals* 20, no. 2 (2012): 173–192.

Novek, Joel. “Intensive Hog Farming in Manitoba: Transnational Treadmills and Local Conflicts.” *Canadian Review of Sociology* 40, no. 1 (2003): 3–26.

Ontario Federation of Labour Aboriginal Caucus. “Traditional Territory Acknowledgements in Ontario.” Accessed June 7, 2017. <https://ofl.ca/wp-content/uploads/2017.05.31-Traditional-Territory-Acknowledgement-in-Ont.pdf>

Patterson, Charles. *Eternal Treblinka: Our Treatment of Animals and the Holocaust*. New York: Lantern Books, 2002.

Perry, Susan. “Social Traditions and Social Learning in Capuchin Monkeys.” *Philosophical Transactions of the Royal Society of London*, 366 (2011): 988–996.

Powell, Dylan. “Veganism in the Occupied Territories: Anti-colonialism and Animal Liberation.” Accessed June 1, 2018. <https://dylanxpowell.wordpress.com/2014/03/01/veganism-in-the-occupied-territories-anti-colonialism-and-animal-liberation/>

Premack, David and Marc. D Houser. “Why Animals Do Not Have Culture.” In *Evolution and Culture: A Fyssen Foundation Symposium*, edited by Stephen Levinson and Pierre Jaisson. Cambridge, MA: MIT Press, 2006.

Ramsey, Grant. “Culture in Humans and Other Animals.” *Biology & Philosophy* 28, no. 3 (2013): 457–479.

Rée, Jonathan. *I See a Voice: A Philosophical History of Language, Deafness and the Senses*. London: Harper Collins, 1999.

Rendell, Luke and Hal Whitehead. “Culture in Whales and Dolphins.” *Behavioral and Brain Sciences*, 24 (2001): 309–324.

Robinson, Margaret. “All My Relations: Interview with Margaret Robinson” Interview by Lauren Corman. In *Animal Subjects 2.0*, edited by Jodey Castricano and Lauren Corman, 229–247. Waterloo: Wilfrid Laurier University Press, 2016.

Rogers, Kathleen and Willow Scobie. “Sealfies, Seals and Celebs: Expressions of Inuit Resilience in the Twitter era.” *Interface: A Journal For and About Social Movements* 7 no. 1 (2015): 70–97.

Rowell, John. “The Politics of Cultural Appropriation.” *The Journal of Value Inquiry* 29, no. 1 (1995): 137–142.

Said, Edward. *Orientalism* [New ed.]. Harmondsworth: Penguin, 1995.

Tremonti, Anna Maria and Shane Gero. "Whale Talk: Canadian Researcher Reveals How Sperm Whales Communicate," March 29, 2016. Podcast retrieved from: [www.cbc.ca/radio/thecurrent/the-current-for-march-29-2016-1.3510249/whale-talkcanadian-researcher-reveals-how-sperm-whales-communicate-1.3510339](http://www.cbc.ca/radio/thecurrent/the-current-for-march-29-2016-1.3510249/whale-talkcanadian-researcher-reveals-how-sperm-whales-communicate-1.3510339)

Whitehead, Hal. "Conserving and Managing Animals that Learn Socially and Share Cultures." *Learning & Behavior* 38, no. 3 (2010): 329–336.

Whitehead, Hal, Luke Rendell, Richard W. Osborne, and Bernd Würsig. "Culture and Conservation of Non-Humans with Reference to Whales and Dolphins: Review and New Directions." *Biological Conservation* 120, no. 3 (2004): 427–437.

Wilson, S. "Self-as-Relationship in Indigenous Research." *Canadian Journal of Native Education* 25, no. 2 (2001): 91.

## 8 Dingoes and dog whistling: A cultural politics of race and species in Australia

Fiona Probyn-Rapsey

For the last 30 years in Australia, the extinction of the dingo has been a subject of great concern. But what this usually means is not that dingoes are being pushed to the brink because of gunshot or baits (though such persecution is happening).<sup>1</sup> In fact, it is not even so much a matter of dingo death but rather dingo birth, or the queer<sup>2</sup> relations of dingo and domestic/wild dog, that is the major concern. As Laurie Corbett once wrote: “cross-breeding is common and the pure dingo gene pool is being swamped”.<sup>3</sup> His words (though he is by no means alone in expressing the fear of the genetic “swamp”) have resonated well beyond the contested science of dingo “purity” within the academy, such that panic over hybridity now characterizes dingo discourse at large. Almost everything that is said about the dingo, from conservation biology to art installations, pivots around a seemingly unshakeable truth that the dingo is becoming extinct by hybridizing with domestic dogs. It is this particular interpretation or use of the word extinction that intrigues me. How did hybridity become tangled up with extinction in this way, and how did it come to have such explanatory power despite the fact that numerous studies failed to establish either a definitive test for dingo purity or a reliable baseline to begin with? The “pure” dingo is a taxonomic spectre that was formalized in the 1980s by dingo biologists, specifically Corbett and Alan Newsome, as I will discuss in “Making wild dogs eradicable” section Part II of this chapter. Their early work successfully branded the “hybrid” as a threat to the dingo, and this idea has gone on to dominate dingo research for the last 30 years. Indeed, I would go so far as to say that the link between hybridity and dingo extinction forms the ideological backbone of “dingology”, which is a term I use in the spirit of Donna

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<sup>1</sup> The Wild Dog Action Plan announces this plan. In forthcoming work, I discuss the sheep industry as a major player in dingo politics. I suggest that it is not possible to consider the dingo without sheep.

<sup>2</sup> Here I use ‘queer’ in the sense deployed by Elizabeth Grosz, *Becoming Undone: Feminist Reflections on Life and Art* (Durham, NC: Duke University Press, 2011) and also Karen Barad, “Nature’s Queer Performativity.” *Kvinder, Kon og forskning/ Women Gender and Research* 1. no. 1–2, (2012): ‘queer is a radical questioning of identity and binaries, including the nature/culture binary’ (29).

<sup>3</sup> Lawrence Corbett, *The Dingo in Australia and Asia* (Ithaca, NY: Cornell University Press, 1995), 7.



Haraway's "primatology is politics by other means" (1984), to examine how dingology straddles a biocultural frontier, where race, gender and species intersect.

## Purity and violence

My purpose in this chapter is threefold. One is to link two discourses of purity that stem from taxonomies of race and species to explain how dingo birth got so tangled up with dingo death. I suggest that the panic about dingo hybridity shares a genealogy with miscegenation discourses and Australian 20th-century plans for biological assimilation of Aboriginal people; both sets of ideas feature perceptions of mixed race people as living embodiments of extinction.<sup>4</sup> I also suggest that the argument that hybridity equals extinction perpetuates and even predicts a violent logic of elimination, where "hybrids" are deemed eradicable in order to conserve an imaginary purity. Given this link, I am also motivated to challenge and disrupt the apparent ease by which race panic, fear of racial "mixing", makes its way back into everyday life by its appearance within dingo conservation discourse, one that is not explicitly speaking of "race" and yet is somehow full of it,<sup>5</sup> as the following examples show:

'Human activities threaten the pure dingoes' genetic survival and the extent of hybridization is increasing at an alarming rate.'<sup>6</sup>

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<sup>4</sup> One example of hybridity and extinction connection comes from Josiah Nott and George Glendon's 'Hybridity of Animals, viewed in connection with the natural history of mankind' (1854) where they argue that 'hybrids' or 'mulattos' have 'a tendency to become extinct when their hybrids are bred together' (in Jayne Ifekwunigwe, *Mixed Race Studies: A Reader* [London: Routledge, 2004], 45). In their account, hybridity meant extinction because they believed 'hybrids' were less fertile. In the Australian context, the fear of racial hybridity is the opposite; it is extinction as hyper-fertility, surpassing the 'parent stock' (both black and white). This fear of the proliferation of 'hybrids' or 'half castes' was acknowledged by the 'breeding out the colour' policy, designed to biologically assimilate 'hybrids' into whiteness to reduce the threat of being outnumbered (see Patrick Wolfe, "Nation and Miscegenation: Discursive Continuity in the Post-Mabo Era." *Social Analysis* 36 (1994): 93–152; Russell McGregor, *Imagined Destinies: Aboriginal Australians and the Doomed Race Theory, 1880–1939* (Melbourne: Melbourne University Press, 1997); Auber O. Neville, *Australia's Coloured Minority: Its Place in Our Community* (Sydney: Currawong Publishing, 1947); Fiona Probyn-Rapsey, *Made to Matter: White Fathers, Stolen Generations* (Sydney: Sydney University Press, 2013).

<sup>5</sup> It is not simply a matter of the wayward or casual use of metaphor but also evidence of the taxonomic synergies of race and species (see later discussion of Kim), both systems of classification and ordering that rely on theories of insider/outsider groups. It is the synergy between race and species as related taxonomies that makes them appear simultaneously, rather than one being a 'mere' metaphor for another. How we approach this synergy and simultaneity is something that needs to be taken seriously, rather than disavowed as incidental or 'merely' linguistic (an interesting narrative in itself), because as I go on to argue, it has implications for the everydayness of the 'obsessions' with racial purity that Dodson writes of, and the predictability of violence towards those (nonhuman and human) deemed 'eradicable'.

<sup>6</sup> Barry Oakman, "The Problems with Keeping Dingoes as Pets and Dingo Conservation." Symposium on the Dingo, edited by Chris Dickman and Dan Lunney (Mosman: Royal Zoological Society of New South Wales, 2001), 34.

‘a species fading from existence as a result of hybridisation’<sup>7</sup>

‘any wild dog is bad. If there is interbreeding between dingoes and some of the other breeds of dogs, it only gets worse’<sup>8</sup>

‘The dingo in the wild is endangered due to hybridisation with domestic dogs’<sup>9</sup>

‘The greatest threat to the survival of dingoes as a protected sub-species is hybridisation with other dogs...the pure dingo pool is being swamped’<sup>10</sup>

‘while some pure-bred dingoes exist in eastern-Australia there is a high degree of hybridisation among the wild dog populations in these areas associated with the long periods of European settlement’<sup>11</sup>

‘Interbreeding with domestic and domestic feral dogs is now a cause for the decline of certain canids, chief among them being the Australian dingo’<sup>12</sup>

‘Did you know? One in every three dingoes is not ‘pure’ but crossed with a dog’.<sup>13</sup>

‘how do we stop the increasing menace of hybridisation sweeping the continent?’<sup>14</sup>

‘the dingo’s taxonomic status is clouded by hybridization with modern domesticated dogs and confusion about how to distinguish ‘pure’ dingoes from dingo-dog hybrids.’<sup>15</sup>

‘The purebred dingo is now facing extinction due to hybridization’.<sup>16</sup>

On one level, this language speaks “plainly” about the fear of dingoes being bred out by dogs. But in another register, it is mobilizing a fear of mixing: interbreeding, fading, swamping, menace; precisely the terms that singled out Aboriginal people for assimilation into whiteness in 20th-century Australian settler colonial rhetoric.<sup>17</sup> The rhetoric of conservation could be seen as haunted by the language of miscegenation (maintaining a shadowy presence), but at the same time, it is precisely not haunted; it seems quite open about mobilizing the sort of race panic rhetoric that would, in

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<sup>7</sup> Chris Dickman and Dan Lunney, eds, *Symposium on the Dingo* (Mosman: Royal Zoological Society of New South Wales 2001), 6.

<sup>8</sup> Geoff Wise, “Responsibilities for Dingo Control under the Wild Dog Act 1921,” *Symposium on the Dingo*, 2001, 88, <https://publications.rzsnsw.org.au/doi/pdf/10.7882/FS.2001.012>.

<sup>9</sup> Alan Wilton, “DNA Methods of Assessing Dingo Purity,” *Symposium on the Dingo*, edited by Chris Dickman and Dan Lunney (Mosman: Royal Zoological Society of New South Wales 2001), 49.

<sup>10</sup> Peter Fleming, Laurie Corbett, Robert Harden, and Peter Thomson, *Managing the Impacts of Dingoes and Other Wild Dogs* (Canberra: Bureau of Rural Sciences/ACT, 2001), 2.

<sup>11</sup> Wool Producers Australia, *National Wild Dog Action Plan: Exposure Draft*, August 2013, 7, [http://www.pestsmart.org.au/wp-content/uploads/2014/09/NWDAP\\_FINAL\\_MAY14.pdf](http://www.pestsmart.org.au/wp-content/uploads/2014/09/NWDAP_FINAL_MAY14.pdf).

<sup>12</sup> Lesley J. Rogers and Gisela Kaplan, *Spirit of the Wild Dog* (Sydney: Allen & Unwin, 2008), 202.

<sup>13</sup> ‘Dingo’ in *Aussie Animals*, Collectable cards series for kids, Woolworths in association with Taronga Zoo, September 2013.

<sup>14</sup> ‘How do we stop the increasing menace of hybridisation sweeping the continent?’ (Martin Denny qtd in Lunney and Dickman Eds, 2001, 91).

<sup>15</sup> Matthew Crowther, Melanie Filios, N. Colman, and Mike Letnic, “An Updated Description of the Australian Dingo (*Canis Dingo* Meyer 1793),” *Journal of Zoology* 293, no. 3 (2014): 1.

<sup>16</sup> Anita Gerega, *Dingo*. Acrylic on Canvas. Australia: Art Gallery of New South Wales, 2015.

<sup>17</sup> See Michael Dodson, “The End in the Beginning: Re(de)fining Aboriginality,” *Blacklines*, edited by Michelle Grossman (Melbourne: Melbourne University Press, 2003), 25–42; for example, Ian Anderson, “Black Bit, White Bit,” *Blacklines*, edited by Michelle Grossman (Melbourne: Melbourne University Press, 2003), 43–51.

other contexts, be understood and recognized as being genocidal in its implications – heralding an extinction even in the face of the living. I am intrigued by what this mobilization of race panic within species talk means; how it is deployed without a sense of history, without a sense of the connectedness of the taxonomies of race and species? Do they know what they are saying? Does the audience hear only species talk? Or do they also hear race panic? I find it hard to imagine that these terms are being used unknowingly, and as Karen Barad writes: “There is nothing innocent about the playful stimulation of the fear response”.<sup>18</sup> If they do not hear the double meaning of race panic within this fearful speech, then what are we to make of the paradox that some champions of the dingo are seemingly deaf to dog whistling?

Dog whistling<sup>19</sup> is a term for Australian political doublespeak that is characterized by coded messages and implied meanings – most commonly used to describe a form of racist speech that contains “plausible deniability”, a subtext that can be denied: such as I didn’t mean that, I was talking about this.<sup>20</sup> Dog whistling as a form of doublespeak holds special significance within animal studies because this field analyses animals and animality at the intersections of species, race and gender (for a start). A number of animal studies scholars make the point that animality is at the core of dehumanization, such that dismantling dehumanization by reference to the animal benefits both humans and nonhumans alike.<sup>21</sup> Racism is “dogged” in its determination. Chasing its deployment in different domains (like conservation biology) draws attention to its semiotic “stickiness” (Sara Ahmed), where implicit racism sticks to bodies, linking them to nations and narratives in a way that has material effects. Because racism is semiotically “sticky”, comments about the menace of hybridity in one domain (dingo science) are also dangerous for another (the “obsession” that Dodson refers to), because they put the rhetoric of purity/hybridity back into circulation, and lend scientific authority to the idea that hybridity is still a form of social death (still alive, but not counted); where a subject can be illegitimately alive, without a “proper” (pure) category of belonging, and therefore eradicable. The point about this is that once it is mobilized, the language of “mixing” coupled with “menace”, it can travel between human and animal bodies, regardless of the original intention.<sup>22</sup>

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<sup>18</sup> Barad, “Nature,” 27.

<sup>19</sup> The term was used in Australia first according to Josh Fear, who attributes it to Mike Steketee’s newspaper article “Howard Steers a Course for Self-Reliance.” *The Australian*, 4 March, 1997. Fear includes many examples of the form that dog-whistling politics can take, including the use of stock phrases such as ‘Australian way of life’ to implicitly make certain groups outsiders. In *Under the Radar: Dog Whistle Politics in Australia* (Canberra: The Australia Institute, 2007).

<sup>20</sup> See Fear, *Under*.

<sup>21</sup> Anderson, “Black Bit”; Glen Elder, Jennifer Wolch, and Jody Emel, “Race, Place and the Bounds of Humanity.” *Society and Animals* 6, no. 2 (1998): 183–202; Claire Jean Kim, *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age* (Cambridge: Cambridge University Press, 2015).

<sup>22</sup> I am not suggesting that dingo scientists and advocates are deliberately mobilizing racist language in order to offend Aboriginal people. But I am suggesting that once it is redeployed, it cannot be

Making a connection between 20th-century assimilationist views on Aboriginality and 21st-century views on dingo hybridity is tricky and complicated, not least because drawing this analogy risks repeating the perceived injury of dehumanization. To be clear, I am not arguing that Aboriginal people and dingoes are analogous. Rather, I am arguing that the logic of elimination which was used against Aboriginal people (and still is, as Dodson points out), and is used against dingoes is shared. I find the work of Claire Kim helpful here, as a way of making clear the distinction between the groups I am writing about while also drawing links between the taxonomies/logics that affect them. In *Dangerous Crossings* (2015), Kim argues that race and species are “synergistically related...taxonomies of power whose respective drives to discipline different types of bodies are intertwined in deep and enduring ways”.<sup>23</sup> She points out that these two taxonomies “sustain and energize one another in the joint project of producing the human and the subhuman, not-human, less than human – with all of the entailments of moral considerability, physical vulnerability, and grievability that follow”.<sup>24</sup> For Kim, it is not only that “[a]nimalization has been central not incidental to the project of racialization”,<sup>25</sup> but that also “sometimes the flow of meanings is reversed and certain nonhuman groups get racialised or imbued with negative meanings associated with despised human groups”.<sup>26</sup> Thinking about synergies is tricky because raising them can be perceived as doing the work of dehumanizing. In light of this difficulty, we are often faced with choosing between defending the “interests and needs of racialised humans and the interests and needs of nonhuman animals”.<sup>27</sup> But Kim points out that this is a “false choice” because it denies the ways that the “two taxonomies, intimately bound with one another, must be disassembled together in our efforts to meaningfully and radically rethink the category of the human”.<sup>28</sup> Kim is clear that this is not about putting all claims on an equal footing, in a way that ignores histories of material oppression; rather it is “a critical methodology dedicated to understanding and challenging racism, heteropatriarchy, speciesism, the exploitation of nature, and neoliberal capitalism”.<sup>29</sup> So she challenges single-issue movements – like those organized around gender only, or racism only or animal advocacy only – to acknowledge these connections in order to prevent them from claiming ground for themselves at the expense of others, and also with a view to widening the potential for alliances to be formed. I find Kim’s work very useful for thinking about what is going on in statements about dingoes becoming extinct through hybridization. On the surface they speak plainly of species conserva-

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contained to ‘species’ only – there is simply too much traffic between species and race as taxonomies, as analogies, to limit the meanings in advance to ‘only’ dingoes.

<sup>23</sup> Kim, *Dangerous*, 18.

<sup>24</sup> *Ibid.*, 283.

<sup>25</sup> *Ibid.*, 18.

<sup>26</sup> *Ibid.*

<sup>27</sup> Kim, *Dangerous*, 283.

<sup>28</sup> *Ibid.*, 287.

<sup>29</sup> *Ibid.*, 19.

tion, and are not explicitly concerned with “race” and yet they are full of it. They also stake out the political claims of conservation at the expense of hybrids, a word that sticks to human and nonhuman subjects, who are dangerously crossed over and back into the category of the living dead whenever that logic is mobilized.

My hope is that by the end of this chapter I will have convinced the reader that it is not plausible to deny that a violent form of racialized species thinking inhabits dingoology every time it draws a connection between hybridity and extinction. The broad significance of this is in the death that it brings to “wild dogs” across the country, and also in the threat that this violent form of racial thinking remains available, kept in circulation, ready to re-attach itself to those who are subjected to the double-take of “authenticity”; to be judged by bloodlines, blood quantum, as were Aboriginal people by white authorities under policies of biological assimilation. “Dog whistling” names the plausibility of this scenario, of keeping this “bad blood” form of racism in circulation. “Dog whistling” signals a simultaneous exchange and circulation of seemingly disparate taxonomies that keep racist logics afloat and available – available to become re-attached anew to human and nonhuman bodies. That we name a habit of dissociating from racism after the dog signals not simply another deflection of responsibilities, but also a continuity that reflects the dogged persistence of taxonomies of exclusion. As Colin Dayan’s *The Law Is a White Dog* attests, the dog has always been central to how “non-persons” have been made manifest: imagined and created:

If we were challenged to write a legal history of dispossession, we could find no better examples, both profound and ancient, than in the taxonomies of personhood when bounded and enlivened by the dog kind. Only with dogs before us and beside us can we understand the making or unmaking of the idea of persons.<sup>30</sup>

## Making wild dogs eradicable

Social science discussions of the dingo that engage with the subject of dingo extinction are prone to taking the science of dingo extinction on face value, without necessarily unpacking what exactly is meant by extinction.<sup>31</sup> Dingo extinction via hybridization is a point that is sometimes mobilized with a sense of irony, as in Haraway and Franklin’s discussions. Adrian Franklin writes that “recently the dingo achieved endangered status as a result of interbreeding with feral dogs”,<sup>32</sup> while Haraway writes: “the dingo has even achieved the mixed grace of becoming officially endangered as a

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<sup>30</sup> Colin Dayan, *The Law Is a White Dog* (Princeton, NJ: Princeton University Press, 2011), 209.

<sup>31</sup> See Rogers and Kaplan, *Spirit*; Deborah Bird Rose, *Wild Dog Dreaming: Love and Extinction* (Charlottesville: University of Virginia Press, 2011), 9; Adrian Franklin, *Animal Nation* (Sydney: University of New South Wales Press, 2006).

<sup>32</sup> Franklin, *Animal Nation*, 157.

result of its unblessed interbreeding with ordinary feral dogs”.<sup>33</sup> Deborah Bird Rose’s *Wild Dog Dreaming* describes the dingo as “not the first animal to be facing extinction, and they will not be the last”.<sup>34</sup> Given Rose’s emphasis on seeing the dingo in terms of kinship, as “vulnerable and dying members of the family”,<sup>35</sup> I am confident that dingo kin (be they hybrids or wild dogs) would also be included in her reading; indeed, that would explain the “wild dog” in the book’s title. However, confusion remains because of the fact that, according to the Red List, the wild dog is not facing extinction: “populations of wild dogs remain abundant in Australia” (Corbett “Canis”) (though plans to eradicate them are gaining traction).<sup>36</sup> To add to the confusion, earlier work published by Corbett, the author of the Red List entry on dingoes, provides enough grounds for us to conclude that the “pure” dingo has never even existed except as an idea,<sup>37</sup> and one that foregrounds colonial science’s attempts to precede itself into a “pristine” pre-colonial past where domestic dogs were (believed to be) not around. So, if the wild dog remains “abundant”, and the pure dingo never existed, then how does dingo extinction come into the picture? We need to look back at early work done by dingo biologists (including Corbett) who established the idea that hybridization was equivalent to dingo extinction. This section provides an overview of dingo biology’s interests in establishing dingo purity in order to show that significant cultural formations are at play where dingo purity is invoked. The point of this is not to suggest that beneath these cultural formations lies the truth about dingoes (nature uncorrupted by culture), but to suggest that the cultural and biological formations are intra-acting (to use Karen Barad’s alternative to “inter-acting”, which presumes the presence of discrete entities). Taking inspiration from feminist science studies, my approach to thinking about the intra-action of cultural tropes with scientific data is not to suggest that they are trespassing, but to interrogate them and investigate their effects on producing and developing knowledge.<sup>38</sup>

Corbett has worked on dingoes for 40 years and as a whole his work highlights the shifts and changes in scientific inquiries into dingoes, especially regarding the question

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<sup>33</sup> Donna Haraway, *When Species Meet* (Minneapolis: University of Minnesota Press, 2008), 342.

<sup>34</sup> Rose, *Wild*, 2.

<sup>35</sup> *Ibid.*, 4.

<sup>36</sup> See Wool Producers, National Wild Dog Action Plan.

<sup>37</sup> The pure dingo is beyond colonial science in two ways. First in the sense of imagined to have been before colonial science was present (pre-European) and, secondly, beyond it epistemologically (results are inconclusive). Recent work by Crowther et al. examines pre-European dingo purity through museum specimens. The emphasis on pre-European purity obscures the possibility that when the dingoes arrived in Australia, it was not a single event, nor a distinct group, but perhaps multiple and over the long periods in which the Macassan sea trade was active in North Australia. See Regina Ganter for discussion of Aboriginal and Asian sea trade histories, for example.

<sup>38</sup> See Barad, “Nature”; J. Kasi Jackson, “Science Studies Perspectives on Animal Behavior Research: Toward a Deeper Understanding of Gendered Impacts.” *Hypatia* 29, no. 4 (2014): 738–754; Lori Gruen, “Gender Knowledges? Examining Influences on Scientific and Ethological Inquiries.” *Studies in Animal Cognition*, edited by M. Bekoff and D. Jamieson (Cambridge, MA: MIT Press, 1996), 17–27.

of their purity. He prepared the last two audits of dingo management on Fraser Island,<sup>39</sup> wrote “the book” on dingoes and is widely quoted in relation to the threat of hybridization. Most of the studies that address dingo conservation refer to Corbett’s warnings about the threat posed by hybridization (notwithstanding his own views shifting on this). Between 1980 and 1985, Corbett and Newsome published a trio of studies that focused on the “identity of the dingo”. These three studies play a crucial role in dingology because, despite their limitations, they succeeded in setting the agenda on dingo purity for decades. What is interesting is how these studies achieved such agenda-setting success. It cannot be explained by the nature of their findings alone, because the skull morphology tests they devised offered, at best, approximations. Indeed, Corbett has recently written that there are “currently no exclusive criteria that lend themselves to a definitive test” for purity.<sup>40</sup> While they were unable to establish purity, they did establish a sustaining belief that hybridization leads to extinction. My view is that these three studies gained influence in the field because they managed to deflect attention away from the conceptual impossibility of establishing dingo purity by invoking another more affective drama: the melodrama of a dying race. Switching attention from the problem of establishing purity to the need to preserve purity served an affective purpose that is, still today, difficult to dislodge because it triggers conservation concerns, protective policies and simultaneously policies of eradication built on tackling boundary breaches, as I will go on to explain. It is worth taking a closer look at these studies in order to see how it was that such firm conclusions about hybridity equalling extinction were generated in the face of ambiguity. What follows is an account of how the investigative bias (hybridization = extinction) came to dominate the field, and the effect it has on shifting the “hybrids” or the wild dogs to a category of “killable” on the basis that they represent a genetic threat to their own kin.

Newsome, Corbett and Carpenter’s first study, “The Identity of the Dingo I: Morphological Discriminants of Dingo and Dog Skulls”, was published in 1980 and was designed to establish skull characteristics for dogs and dingoes so as to differentiate between them. They caught 50 dingoes in Central Australia and took 43 domestic dogs from the Canberra pound, killed them, removed their skulls for measuring and found that: “dingoes have longer muzzles, larger bullae and main teeth, longer and more slender canine teeth, and flatter crania with larger nuchal crests”.<sup>41</sup> The Canberra pound dogs that they chose for comparison included 32 kelpies and kelpie crosses, five blue heelers and blue heeler crosses and six border collies and collie crosses, all dogs “kept

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<sup>39</sup> See Karen Hytten and Leah Burns, “Deconstructing Dingo Management on Fraser Island, Queensland: The Significance of Social Constructionism for Effective Wildlife Management,” *Australasian Journal of Environmental Management* 14, no. 1 (2007): 48–57.

<sup>40</sup> Mike J. Daniels and Laurie Lawrence Corbett, “Redefining Introgressed Protected Mammals: When Is a Wildcat a Wild Cat and a Dingo a Wild Dog?” *Wildlife Research* 30 (2003): 215.

<sup>41</sup> Lawrence Corbett, Alan Newsome, and S. M. Carpenter, “The Identity of the Dingo I: Morphological Discriminants of Dingo and Dog Skulls,” *Australian Journal of Zoology* 28 (1980): 615.

commonly by farmers and graziers on or near country inhabited by dingoes”.<sup>42</sup> They are also, in the case of kelpies and blue heelers, considered to have dingo ancestry. Two of the female blue heelers were “discarded” because they were found to have particularly large bullae which ran counter to the expected gender norm and would have skewed the results. This selection, as well as the assumption that the dingoes they started with were “pure”, and the dogs “dogs”, and neither already “hybrid”, is something which critics later picked up on as a serious flaw.<sup>43</sup>

Newsome and Corbett’s second article in the series, “The Identity of the Dingo II: Hybridization with Domestic Dogs in Captivity and in the Wild” (1982), describes an experiment that starts out with a principle of purity and then attempts to create hybridity in a laboratory setting. Between 1969 and 1975, they conducted “breeding trials” using eight dingoes and seven domestic dogs to produce 41 “hybrids”. All apart from the domestic dogs (who had been “borrowed” for the experiment) were “sacrificed and their skulls cleaned and kept”.<sup>44</sup> The skull measurements found that three of the dingo parents were outside of the “norm” and therefore “may have been hybrids” or they may “represent the extreme range among dingoes”.<sup>45</sup> Their study also found that 4 of the 41 captive bred hybrids had “dingo-like” skulls. Hybridity and purity, dog and dingo were thus difficult to differentiate from the start. Corbett and Newsome then compared their group to 50 “adult unknowns” trapped in Gippsland and another group of 50 assumed pure dingoes from Central Australia. From their skull measurements, the authors diagnosed the Gippsland group as a “mixed interbreeding group of dingoes, dogs and their hybrids” but with a “preponderance of dingo genes compared with the hybrids”.<sup>46</sup> While Newsome and Corbett admit that their identifications were based on a “measurable level of probability” and can “never be certain”,<sup>47</sup> they did not let this get in the way of putting forward a particular view on hybridization that made it equivalent to extinction: “It is possible therefore, that pure dingoes may become extinct in Gippsland over time unless their fitness exceeds that of hybrids and that of feral dogs”.<sup>48</sup> But having failed to establish conclusively the “purity” of their baseline dingoes or the “impurity” of their hybrid offspring, not to mention the regional differences between Central Australia and Gippsland,<sup>49</sup> their conclusion warning of the extinction

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<sup>42</sup> Ibid., 616.

<sup>43</sup> See Brad Purcell, *Dingo* (Canberra: CSIRO Publishing, 2010) and Evan Jones “Hybridisation between the Dingo, *Canis Lupus Dingo*, and the Domestic Dog, *Canis Lupus Familiaris*, in Victoria: A Critical Review,” *Australian Mammomology* 31 (2009): 1–7.

<sup>44</sup> Lawrence Corbett and Alan Newsome, “The Identity of the Dingo II: Hybridization with Domestic Dogs in Captivity and in the Wild,” *Australian Journal of Zoology* 30 (1982): 366.

<sup>45</sup> ‘On balance, we accept that our original dingo parents were indeed dingoes, variations in skull shape being due to the small sample and to domestication’ (Newsome et al. 372).

<sup>46</sup> Corbett and Newsome, “The Identity of the Dingo II,” 372.

<sup>47</sup> Ibid.

<sup>48</sup> Corbett and Newsome, “The Identity of the Dingo II,” 373.

<sup>49</sup> See Purcell, *Dingo*; Jones, “Hybridisation.”



of “pure dingoes” works at a different register to merely “objective” science; it is both moving and alarming. This was what gave their interpretation traction.

Their third study, “The Identity of the Dingo III: The Incidence of Dingoes, Dogs and Hybrids and Their Coat Colours in Remote and Settled Regions of Australia” (1985), made use of 1,668 skulls of “adult canids collected from remote and settled areas of Australia”<sup>50</sup> including Gippsland, and compared coat colours of the animals classified as hybrid, dog or dingo. The findings on coat colour are inconclusive in relation to purity and hybridity. This chapter re-asserts their previous argument that the South Eastern regions of Australia, with more dense human settlement, contain the greatest levels of hybridization.

Corbett’s single-authored monograph, *The Dingo*, opens with a description of the dingo as “under threat of extinction” not primarily because of “scalp bonuses, by hunting with trap and gun, and by poisoning and fencing” but by hybridity: “cross-breeding is common and the pure dingo gene pool is being swamped”. He calls on “everybody – governments, concerned societies, you” to act to “stop contact between dingoes and domestic dogs”.<sup>51</sup> He calls for the sterilization of pet dogs in wilderness or rural areas, the maintenance of a ban on keeping dingoes as pets and the registration of “pure” dingoes via reputable Dingo Preservation societies. He also recommends islands, like Fraser Island, Bathurst, Melville Island, to preserve populations from contact with domestic dogs and to prevent them “losing the war, thanks to their evolutionary progeny”.<sup>52</sup> He calls on readers to “take pride in dingoes as a native species whether they be Thai or Australian”.<sup>53</sup> Evoking the sort of eco-nationalist sentiment that Adrian Franklin observes at work in much of Australia’s conservation biology, Corbett is clear (though his view shifts later) that protection applies to the pure, even if that purity cannot be established by any of the current tests available.

Despite the unreliability of skull morphology testing, it is taken up by another team of scientists in 1996, Woodall, Pavlov and Twyford, in Queensland. Referencing the work of Corbett, they were also concerned that “hybridisation with domestic dogs could lead to the eventual extinction of Australian dingoes”.<sup>54</sup> Woodall et al. collected 110 skulls from the Queensland Museum and dead dingoes from Fraser Island. They found considerable variation, which they explained as “either the result of increased influence of domestic dogs or a reflection of local variation within the dingo population”.<sup>55</sup> Given the lack of clarity, they call for the development of a “biochemical or genetic marker”

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<sup>50</sup> Lawrence Corbett and Alan Newsome, “The Identity of the Dingo III: The Incidence of Dingoes, Dogs and Hybrids and their Coat Colours in Remote and Settled Regions of Australia,” *Australian Journal of Zoology* 33 (1985): 363.

<sup>51</sup> Corbett, *Dingo*, 178.

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*

<sup>54</sup> (586) Peter F. Woodall, Peter Pavlov, and Keith L. Twyford, “Dingoes in Queensland, Australia: Skull Dimensions and the Identity of Wild Canids.” *Wildlife Research* 23 (1996): 586.

<sup>55</sup> *Ibid.*, 585.

to “allow the determination of status (dog, hybrid or dingo) in living animals”. Such a test would enable the “removal of hybrids” to ensure the “integrity of the pure dingo population”.<sup>56</sup> This study is explicit about the purpose of establishing purity; it will enable the destruction of “hybrids”.

Soon after this, Alan Wilton, a geneticist at UNSW, published work describing a genetic test for dingo purity. His tests were designed to improve on the skull measurement test of Newsome and Corbett which he describes as “reliable for differentiating dogs from dingoes” but not reliable for detecting “hybrid-dingo backcrosses, i.e. 3/4 dingo – 1/4 dingo”.<sup>57</sup> Wilton’s approach involved isolating a genetic marker for which “the dog has types that do not exist in the dingo”. Because the tests are “best at detecting recent hybridisation events”,<sup>58</sup> the authors admitted that “a definitive answer as to whether an animal has any dog ancestry and a guarantee of purity cannot be given”.<sup>59</sup> Yet in the discussion that follows, Wilton indicates that purity is essential for conservation, stressing the need for such tests to help those “holding the animal and they want to know whether to destroy it or not”.<sup>60</sup> The lack of conclusive findings is not presented as an obstacle to making the decision to eliminate.

In 2003, Corbett and Mike Daniels published a paper that seems to take a different perspective on the link between hybridity and extinction. They argued that “introgression” has itself made purity impossible to establish and so “protection should move away from efforts to affect a definition based on type, accepting that extensive introgression has already occurred”.<sup>61</sup> They suggested that the dingo should be conserved even if it exists “in a different form to their ancestors” because of the following factors: first, the “public uphold an image of the dingo as a native Australian mammal of intrinsic and aesthetic value and expect it to be conserved”; secondly, because “dingoes have played an important role in Aboriginal life”; and thirdly as it is a “top predator”, a “strong argument can be made with respect to the role of the dingo in ecosystem function”. At this point, being hybrid is not treated as equivalent to extinction. Rather it is now an integral feature of dingo life, as they explain: “the conclusion that the wildcat or the dingo ‘no longer exists’ is erroneous. Both animals clearly do still exist, but in a different form to their ancestors”.<sup>62</sup> They conclude that “conservation measures for both wildcats and dingoes therefore should focus on their intrinsic and functional value rather than concentrating on their precise definition or concerns about their genetic purity”.<sup>63</sup> Daniels and Corbett argue that in “practical terms” it is still important to “stem the flow of domestic genes into wild populations”. So, hybridity no longer equals

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<sup>56</sup> Ibid., 586.

<sup>57</sup> Wilton, “DNA,” 49.

<sup>58</sup> Ibid., 55.

<sup>59</sup> Ibid.

<sup>60</sup> Wilton, “DNA,” 56.

<sup>61</sup> Daniels and Corbett, “Redefining,” 216.

<sup>62</sup> Ibid., 215.

<sup>63</sup> Ibid., 216.

extinction, but hybridity is under threat, this time from more hybridity. They suggest that controls should focus on feral dogs – which should “go some way towards addressing the concerns of...sheep graziers”. And for the sake of tourist expectations, wildlife managers should be “promoting wildtype phenotypes” by selectively culling animals not conforming to the “dingo phenotype”.<sup>64</sup>

More recently, a team in Queensland proposed to utilize all three types of purity test – skull, genetic and phenotypic – to determine dingo conservation for the purpose of dingo aesthetics and tourist desires: the “process of hybridization dilutes the proportion of ‘pure’ dingo genes present in a population and may result in colour and body form changes which detract from its aesthetic value”.<sup>65</sup> With Wilton and Corbett’s assistance with the skull measuring and genetic tests, Elledge et al. tested wildlife managers’ success in visually distinguishing pure from hybrid dingoes. It turns out that wildlife managers are pretty good at visually determining “pure” dingoes, except for the dingoes that confound the assumptions about genetic/skull purity and phenotypic appearance, i.e. some hybrids look like dingoes and some dingoes look like hybrids. Despite this, the team concludes that: “Culling obvious hybrids based on visual characteristics, such as sable and patch coat colours, should slow the process of hybridisation” (812), and presumably make more “pure” looking dingoes. They conclude that what is needed is a “breeding trial, such as that conducted by Newsome and Corbett (1982)” to conduct further tests. They will look for “parental stock...ideally... animals from remote locations, such as central Australia, with no or negligible domestic dog genes confirmed by genetic analyses” (818). So we find dingology going right back to 1982, with skull measuring, genetic tests and fantasies of dingo “purity” still present, and dingoes, dogs and hybrids still bearing the brunt of the desire to establish purity as a core principle of conservation and hybridity as a core principle of dingo extinction.

But why is hybridization a problem? The closest to an explanation comes from Corbett in his book *The Dingo in Australia and Asia*, where he explains that hybridization is problematic for four reasons. First, because “unscrupulous breeders may promote and pass off hybrids to unsuspecting people merely for financial gain”; secondly, hybrids represent a “contamination of the dingo’s gene pool”<sup>66</sup>; thirdly, that with the potential to breed twice “they are capable of killing twice as many calves as pure dingos can”<sup>67</sup> and, lastly, hybrids are probably more dangerous to humans than most pure domestic dog breeds, at least if wolf hybrids are anything to go by. There have been eight human fatalities caused by “pet” wolf hybrids in the past few years, and the California City Zoo terminated several experiments with wolf hybrids because more than 95 percent

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<sup>64</sup> Ibid.

<sup>65</sup> Amanda Elledge, Lee R. Allen, Britt-Louise Carlsson, Alan N. Wilton and Luke K. P. Leung, “Assessing the Taxonomic Status of Dingoes *Canis Familiaris* Dingo for Conservation.” *Mammal Review* 36 (2006): 143.

<sup>66</sup> Corbett, *Dingo*, 175.

<sup>67</sup> Ibid.

were too dangerous to handle.<sup>68</sup> Points one, three and four are largely speculative, while the second is a pronouncement about species purity that does not, apparently, require explanation.

What is significant about these studies is that they demonstrate the selective infusion of cultural and scientific knowledge to shore up otherwise ambiguous findings. My intention is not to suggest that without the cultural influences the science would have been “more true”, but that with different cultural influences it might have been more just. As feminist critics of science studies have argued, the point is not to attempt to “remove” all bias, but to own it, and explore interpretive and investigative biases<sup>69</sup> in a way that shows how they develop knowledge itself.<sup>70</sup> A by-product of such an approach is to open up the terrain to minority views.

### **‘According to the shooter he was “a hybrid”’<sup>71</sup>**

Two dingo scientists stand out as critics of dingo purity. Evan Jones, whose work in Gippsland (South Eastern Victoria) is directly affected by Newsome and Corbett’s suggestion that Gippsland is where dingoes are fast disappearing, does not use the term “hybrid” to describe the “wild canids” there. He argues that studies that use Corbett and Newsome’s schema will “all suffer from classification errors” because of limitations in their design, assumptions about purity and the lack of attention paid to the potential for regional differences. While Jones sees the “wild canids” as “a single group of wild canids, from which ‘pure’ dingoes could not be differentiated”,<sup>72</sup> Newsome and Corbett describe them as a “mixed group of dingoes, feral domestic dogs and their hybrids”.<sup>73</sup> Jones is deeply concerned that when the Victorian Scientific Advisory Committee recommended that the dingo be given “threatened native species” status, they ignored his submission and instead used Newsome and Corbett’s. The effect of this is as follows: either all the “wild canids” are protected, or just those determined to be “dingoes”. Jones’s use of the term “wild canid” and his insistence that the Gippsland wild canids are the result of consistent and varied intrabreeding of “hybrids” raise the question of whether or not “wild canids” are in danger of extinction (but rather eradication), and whether or not they can attract conservation status.

Another dingo biologist, Brad Purcell, has done important work addressing the investigative bias of studies that seek to establish dingo purity. He argues that the “notion of dingo ‘purity’ is a construct of human thought”<sup>74</sup> and although he calls for

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<sup>68</sup> Ibid.

<sup>69</sup> See Gruen, “Gender.”

<sup>70</sup> See also Kasi-Jackman, “Perspectives.”

<sup>71</sup> Purcell, Dingo, 40.

<sup>72</sup> Jones, “Hybridisation,” 2.

<sup>73</sup> Ibid., 6.

<sup>74</sup> Purcell, Dingo, 30.

the “management” of the hybridization process, he is concerned that the notion of purity is wielded to justify dingo killing. Purcell writes:

One genetically pure dingo in my Blue Mountains study was sable, his total length being outside traditional dingo criteria, and so too was his head length. The only reason we attained samples from him was because he had been shot by a local landholder after he had bailed up a kangaroo in a dam with other dingoes, and according to the shooter he was ‘a hybrid’. In contrast, his canonical score also suggested that he was pure. The current measures for dingo purity obviously remain imprecise, and further research is required before conservation actions for the preservation of wild dingoes or culling of hybrid dingoes are implemented.<sup>75</sup>

Purcell believes that current problems with dingo management are largely cultural, based on “subjective judgement, anecdote and the resultant cultural transmission of behaviours between humans”<sup>76</sup> and that these can be corrected by “objective scientific” methods. The significance of his critique of fellow dingo biologists is thus slightly diminished by the suggestion that they were led astray by cultural beliefs – that their science mixed with culture and came out the worse for it. But such a view does not ring true. After all, doesn’t science sometimes benefit from these mixings? Doesn’t it also gain traction and persuasive power by such epistemic cross-breeding? Clearly dingo science is deeply embedded in biocultural beliefs about purity, highlighting the cross-breeding of science with culture.<sup>77</sup> It cannot be explained by its use of “objective scientific methods” alone, but partakes in a white Australian repertoire on race, biological frontiers and the melodrama of loss or gain by genetic changes or numeric “swamps”.

The mobilization of hybridity in relation to the extinction of the pure was an idea put into practice in mid-20th-century Australia by plans to reduce the perceived threat of racial mixing by biologically/bioculturally assimilating Aboriginal people into whiteness, under a policy known colloquially as “breeding out the colour”. The assimilation of Indigenous people was planned through a combination of child removal, the trafficking of Aboriginal women and the administration of whiteness via white fathers.<sup>78</sup> One response by authorities (state but also religious) to what was described as the “half caste menace” was to shift mixed race Aboriginal people to the white side of the frontier as quickly as possible. By shifting them from “protection” to “assimilation”, mixed race Aboriginal people were then deemed to be no longer authentically Indigenous and thereby denied any special claim to belong.<sup>79</sup> They were neither protected, nor

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<sup>75</sup> Ibid., 40.

<sup>76</sup> Ibid., 130.

<sup>77</sup> ‘biology is socially produced, thick with specific and accumulated histories, and always already culturally mediated in each situated encounter’ (Franklin 6).

<sup>78</sup> Probyn-Rapsey, Made.

<sup>79</sup> See also Wolfe, “Nation.”

“properly” Aboriginal and therefore imagined to disappear. The association between hybridity and extinction that can be seen in dingology intersects with these policies because both work/ed with the ruse of hybridity. In relation to the “wild dog”, the ruse of hybridity is that it enables eradication and conservation to act in tandem and not as opposites: conservationists need something to conserve; eradicators something to shoot at. In principle the two sides should be satisfied by such a compromise, because both, presumably, recognize the ruse at play – knowing that the other cannot help but shoot or protect the “wrong” sort. It is a compromise that can and does have deadly consequences for the dingo “maybes” caught up in it. The deployment of hybridity in this way thus forges a deadly boundary between the almost dead and the illegitimately alive, and a line between who is grievable and who is merely collateral in a war staged, paradoxically, against death/extinction.

## Conclusion

In April 2013, The Daily Mercury reported a controversy concerning a photograph of a hunter posing next to the dead bodies of a dingo and her three pups. The photograph had been re-posted on the Facebook page of National Dingo Day, an organization aimed at drawing attention to the “persecution of the dingo”.<sup>80</sup> Online comments on the newspaper’s website debated the cruelty of both the hunter and the hunted, the environmental role of the dingo as mesopredator controller, and what the display (the pose, the photograph’s dissemination) suggested about hunters/shooters and their role in conservation. In reply to the comments posted “the shooter in question” sought to correct his critics: the dead were “WILD DOGS, not dingoes”. What angered his critics, he suggests, is the gruesome nature of the photographs and not the identity of the dead. For what kind of champion of the dingo, he seems to ask, would grieve for a “wild dog”? The problem is obvious: it is impossible to tell the difference between “wild dog” and “dingo” in those photographs and yet the moral arguments circling around wild dog eradication and dingo conservation depend on that distinction. Whether they are dingoes or wild dogs, the dingo maybe and her three pups materialize the effects of a frenzy for distinction, and the uncanny sympathies between shooters and conservationists who both target the “hybrid” for death, even though these “hybrids” are born from social lives that include agency, choice, and mateship, all of which speak beyond any genetic formula that prejudices their worth:

In one case, a friend who ran a station south of Alice Springs had a white male Labrador dog which used to disappear in the breeding season. One time he followed the dog to find it was taking food out to a den of dingo pups that were almost certainly his. They were red in colour, which is genetically dominant to the white. In Gippsland we knew of a blue heeler

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<sup>80</sup> Ochre Project, “National Dingo Day,” June 11 2014.

which used to go several kilometers into the forest surrounding the farm. In fact we caught him there, having been warned by the farmer.<sup>81</sup>

It is thought to be mostly female dingoes who are responsible for these transgressive liaisons and hybrid offspring; female dingoes are sometimes chased away from the pack during the breeding season, forming these queer attachments to the “wrong” sort. The genetic perspective offered by Newsome’s account appears blind to the complex social life that this interaction between dingo and dog shows; it appears as a story of wayward genetics. To me it suggests complex social interactions that go on between a dog who lives between farm and dingo den, and an ongoing relationship with dingo pups and mate.<sup>82</sup> From the perspective of the dingo and Labrador, the IUCN’s red list entry that situates their queer relations and their pups as a significant threat of extinction must seem like the remote mutterings of an alien dictionary. It is a perspective that occludes the possibilities of dingoes and dogs having social lives that are more complicated than any taxonomy that relies on genetic determinations. In the context of the discussion from which this paragraph is taken, such an example of doggy style hybridity is couched as evidence for tightening controls on domestic dogs near dingo populations, to prevent such births. Her pups are a living example of her own extinction, by this measure. But it is a measure that ignores the social worlds in which such relations are established and their broader synergies with a violent logic of elimination that was used to make Aboriginality a matter of colour and code, without culture.

The idea of extinction is profoundly moving; it allows us to pay respects to loss and acknowledge our complicity in that loss. But in the case of dingoes, where extinction is nigh but wild dogs are abundant, the term “extinction” can distract from considering the choices that dingoes make: their decisions about who or what should live or die. When it comes to dingoes, we would do best to shift the emphasis from extinction to understanding eradication as a cultural process that starts not with bullets (or baits) but well before that, with older ideas and categories that predict their trajectory. Animal studies take seriously the connections between the taxonomies of race and species, and in doing so it undoes the “plausible deniability” that comes with “dog whistling”. Taking “dog whistling” from its usual domain (anthropocentric political speech) and situating it within animal studies brings the associations and connections between speciesism, racism and the “synergistically related”<sup>83</sup> taxonomies of race and species into view. Dog whistling can now be redefined in terms of animal studies as a form of hate speech that cultivates a space for social death at the same time that it makes claims to be civilized. It is speech with a forked tongue and locates its cut, its doublespeak along the faultline of the human/animal boundary, disowning and disavowing the “bad” speech to the realm of the animal Other; it makes racism the home of the dog.

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<sup>81</sup> Alan Newsome qtd in Dickman and Lunney, eds. Symposium, 20.

<sup>82</sup> There is much more to be said on this matter of the social lives of dog and dingo here.

<sup>83</sup> Kim, Dangerous.

The lament over the extinction of the dingo is a dog whistle; it feeds off race panic, it situates the hybrid as the already dead, already gone, ungrievable. Could we learn to dog-whistle differently, work on our forked tongues, and get better at calling out and hearing the doubling up of race with species taxonomies? The possibility of reclaiming “dog whistling” for anti-racist, anti-speciesist work remains to be explored.

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## References

- Ahmed, Sara. *The Cultural Politics of Emotion*. Edinburgh: Edinburgh University Press, 2004.
- Allen, Benjamin, Luke K. P. Leung. “Assessing Predation Risk to Threatened Fauna from their Prevalence in Predator Scats: Dingoes and Rodents in Arid Australia.” *PLoS One* 7, no. 5 (2012): e36426.
- Anderson, Ian. ‘Black Bit, White Bit.’ *Blacklines*. Edited by Michelle Grossman. Melbourne: Melbourne University Press, 2003, 43–51.
- Anderson, Kay. “The Beast Within: Race, Humanity and Animality.” *Environmental Planning D: Society and Space* 18 (2000): 301–320.
- Barad, Karen. “Nature’s Queer Performativity.” *Kvinder, Kon og forskning/ Women Gender and Research* 1, no. 1–2 (2012): 25–53.
- Corbett, Lawrence. *The Dingo in Australia and Asia*. Ithaca, NY: Cornell University Press, 1995.
- . *Canis lupus ssp. dingo*. In: IUCN 2013. *IUCN Red List of Threatened Species*. Version 2013.2, 2008.
- Corbett, Lawrence and Alan Newsome. “The Identity of the Dingo II: Hybridization with Domestic Dogs in Captivity and in the Wild.” *Australian Journal of Zoology* 30 (1982): 365–374.
- Corbett, Lawrence and Alan Newsome. “The Identity of the Dingo III: The Incidence of Dingoes, Dogs and Hybrids and their Coat Colours in Remote and Settled Regions of Australia.” *Australian Journal of Zoology* 33 (1985): 363–375.
- Corbett, Lawrence, Alan Newsome, and S. M. Carpenter. “The Identity of the Dingo I: Morphological Discriminants of Dingo and Dog Skulls.” *Australian Journal of Zoology* 28 (1980): 615–625.



Crowther, Matthew, Melanie Filios, N. Colman, and Mike Letnic, "An Updated Description of the Australian Dingo (*Canis Dingo* Meyer 1793)." *Journal of Zoology* 293, no. 3 (2014): 1–12.

Daniels, Mike J. and Laurie Lawrence Corbett. "Redefining Introgressed Protected Mammals: When Is a Wildcat a Wild Cat and a Dingo a Wild Dog?" *Wildlife Research* 30, no. 3 (2003): 213–218.

Dayan, Colin. *The Law is a White Dog*. Princeton, NJ: Princeton University Press, 2011.

"Death of Dingo Pups Described as a 'Horrid' Scene." *Daily Mercury* (Mackay), April 2013.

Dickman, Chris and Dan Lunney, eds. *Symposium on the Dingo*. Mosman: Royal Zoological Society of New South Wales, 2001.

Dodson, Michael. "The End in the Beginning: Re(de)fining Aboriginality." In *Blacklines*, edited by Michelle Grossman, 25–42. Melbourne: Melbourne University Press, 2003.

Elder, Glen, Jennifer Wolch, and Jody Emel. "Race, Place and the Bounds of Humanity." *Society and Animals* 6, no. 2 (1998): 183–202.

Elledge, Amanda E., Lee R. Allen, Britt-Louise Carlsson, Alan N. Wilton and Luke K. P. Leung. "An Evaluation of Genetic Analyses, Skull Morphology and Visual Appearance for Assessing Dingo Purity: Implications for Dingo Conservation." *Wildlife Research* 35 2008: 812–820.

Fear, Josh. *Under the Radar: Dog Whistle Politics in Australia*. Canberra: The Australia Institute. 2007.

Fleming, Peter, Laurie Corbett, Robert Harden, and Peter Thomson. *Managing the Impacts of Dingoes and Other Wild Dogs*. Canberra: Bureau of Rural Sciences, ACT, 2001.

Franklin, Adrian. *Animals and Modern Cultures*. London: Sage, 1999.

———. *Animal Nation*. Sydney: University of New South Wales Press, 2006.

Gerega, Anita. *Dingo*. Acrylic on Canvas. Australia: Art Gallery of New South Wales, 2015.

Grosz, Elizabeth. *Becoming Undone: Feminist Reflections on Life and Art*. Durham, NC: Duke University Press, 2011.

Gruen, Lori. "Gender Knowledges? Examining Influences on Scientific and Ethological Inquiries." In *Studies in Animal Cognition*, edited by M. Bekoff and D. Jamieson, 17–27. Cambridge, MA: MIT Press, 1996.

Guillamin, Colette. "Herrings and Tigers: Animal Behavior and Human Society." (1978). *Racism, Sexism, Power and Ideology*. London: Routledge, 1995.

Haraway, Donna J. "Primatology is Politics by Other Means." *PSA: Proceedings of the Biennial Meeting of the Philosophy of Science Association* 1984, no. 2 (1984): 489–524.

———. *When Species Meet*. Minneapolis: University of Minnesota Press, 2008.

Hyttén, Karen. "Dingo Dualisms: Exploring the Ambiguous Identity of Australian Dingoes." *Australian Zoologist* 35, no. 1 (2009): 18–27.

Hyttén, Karen and Leah Burns. "Deconstructing Dingo Management on Fraser Island, Queensland: The Significance of Social Constructionism for Effective Wildlife Management." *Australasian Journal of Environmental Management* 14, no. 1 (2007): 48–57.

Ifekwunigwe, Jayne O. *Mixed Race Studies: A Reader*. London: Routledge, 2004.

Jones, Evan. "Hybridisation between the Dingo, *Canis Lupus Dingo*, and the Domestic Dog, *Canis Lupus Familiaris*, in Victoria: A Critical Review." *Australian Mammology* 31, no. 1 (2009): 1–7.

Kasi Jackson, J. "Science Studies Perspectives on Animal Behavior Research: Toward a Deeper Understanding of Gendered Impacts." *Hypatia* 29, no. 4 (2014): 738–754.

Kim, Claire Jean. *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age*. Cambridge: Cambridge University Press, 2015.

McGregor, Russell. *Imagined Destinies: Aboriginal Australians and the Doomed Race Theory, 1880–1939*. Melbourne: Melbourne University Press, 1997.

Neville, Auber O. *Australia's Coloured Minority: Its Place in Our Community*. Sydney: Currawong Publishing, 1947.

Oakman, Barry. "The Problems with Keeping Dingoes as Pets and Dingo Conservation." In *Symposium on the Dingo*, edited by Chris Dickman and Dan Lunney, 20–33. Mosman: Royal Zoological Society of New South Wales, 2001.

Ochre Project. "National Dingo Day." June 11 2014.

Probyn-Rapsey, Fiona. *Made to Matter: White Fathers, Stolen Generations*. Sydney: Sydney University Press, 2013.

Purcell, Brad. *Dingo*. Canberra: CSIRO Publishing, 2010.

Rogers, Lesley J. and Gisela Kaplan. *Spirit of the Wild Dog*. Sydney: Allen & Unwin, 2008.

Rose, Deborah Bird. *Wild Dog Dreaming: Love and Extinction*. Charlottesville: University of Virginia Press, 2011.

Wilton, Alan. "DNA Methods of Assessing Dingo Purity." In *Symposium on the Dingo*, edited by Chris Dickman and Dan Lunney, 49–56. Mosman: Royal Zoological Society of New South Wales, 2001.

Wolfe, Patrick. "Nation and Miscegenation: Discursive Continuity in the Post-Mabo Era." *Social Analysis* 36 (1994): 93–152.

Woodall, Peter F., Peter Pavlov, and Keith L. Twyford. "Dingoes in Queensland, Australia: Skull Dimensions and the Identity of Wild Canids." *Wildlife Research* 23, no. 5 (1996): 581–587.

Wool Producers Australia. *National Wild Dog Action Plan: Exposure Draft*, August 2013. [http://www.pestsmart.org.au/wp-content/uploads/2014/09/NWDAP\\_FINAL\\_MAY14.pdf](http://www.pestsmart.org.au/wp-content/uploads/2014/09/NWDAP_FINAL_MAY14.pdf).

## 9. Haunting pigs, swimming jaguars: Mourning, animals and ayahuasca.

Alexandra Isfahani-Hammond

A family catastrophe interrupted the early stages of a book project probing the Human in Brazilian cultural discourse. The objective of my book had been to highlight interventions that delineate an antianthropocentric, antiracist genealogy of literature and cinema. I now return to that project with an accentuated attunement to the in-Human, steeped in the aftereffects of watching my parents die. María Elena García recalls that her third-trimester pregnancy heightened her empathy for the guinea pigs in Peruvian intensive confinement farms; carrying out fieldwork on Peru's gastronomic boom, the "life growing inside her" sensitized her to the guinea pigs' cycles of forced inseminations to produce babies for slaughter.<sup>1</sup> At the other end of the life and death spectrum, the experience of caregiving for my parents and, later, furthering my exploration of dying in ayahuasca ceremonies caused my analysis, to shift from its original nation-state structure to a deeply relational frame.

What follows is a collage of reflections on death, grief, animals and communion with "thingified" kin in the context of literature, cinema, politics and my own experiences of "reverse-birthing."<sup>2</sup> With ghosts and other in Humans wielding signposts along the way, these haunted meditations are dedicated to Juma the Jaguar, of whom Paul Watson of Sea Shepherd writes,

This Olympic travesty of 2016 will be most remembered as the farce that murdered a jaguar and as such I could not care less who wins one of those silly gold, silver or bronze medals. All that I will remember is a noble animal lying in a pool of her own blood with a Brazilian soldier standing over her with a smoking rifle.<sup>3</sup>

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<sup>1</sup> María Elena García, "Multispecies Hauntings" (presentation at Wesleyan University's Race and Animals Summer Institute, Middletown, CT, June 14, 2016).

<sup>2</sup> I am indebted to Vasile Stanescu for the phrase, "reverse-birthing," and for his comments regarding the devastation of transpecies mourning. Personal conversation. June 23, 2016.

<sup>3</sup> Paul Watson, "Opening the Games with an Animal Sacrifice." Facebook, June 22, 2016, [www.facebook.com/paul.watson.1426/posts/10154895606493362](http://www.facebook.com/paul.watson.1426/posts/10154895606493362).

Inspired by Carol Adams's "feminist-vegetarian interruptions," Joy Williams' "rants" and João Guimarães Rosa's meows and growls, this exploration is sustained by Elizabeth Costello's observation that storytelling is more formidable than rational argumentation in stimulating an empathic response:

If I can think my way into the existence of a being who has never existed, then I can think my way into the existence of a bat or a chimpanzee or an oyster, any being with whom I share the substrate of life.<sup>4</sup>

For Costello, visceral speculation upon her own mortality alerts her to the lives of those subjected to violent death, which by turn produces a sensation of irreality. The horror is not the death camp or experimentation laboratory, she observes, but failing to imagine: "They said, 'It is they in those cattle cars rattling past'...and 'It must be the dead who are being burned today'...They did not say, 'How would it be if I were burning?'"<sup>5</sup>

## Every body on the platter

One way of imagining being incinerated is by contemplating cannibalism and, more specifically, Brazil's ubiquitous discourse of antropofagia.<sup>6</sup> Originally a colonial projection, the fantasy of the Indigenous man-eater inverted and sustained Europe's destruction of Indigenous and African peoples, while simultaneously concealing the intensification of violence against so-called animals with animal husbandry. Centuries later, the discourse of antropofagia elaborated by Brazilian Modernist intellectuals during the 1920s and 1930s spoofs the nation's preoccupation with "national character" and the triumphalist West, identifying the Tupí cannibal as tongue-in-cheek national leitmotif. In dialogue with European Surrealism and Primitivism, antropofagia is a critique of Christian patriarchal morality and colonial fetishism that privileges Brazil's racial and cultural heterogeneity, defining the nation's predominant characteristic as the consumption of that which is foreign. Cannibalist barbarism becomes a way for Brazil to produce a new and dynamic culture on the basis of ingesting its enemies: Portugal and, later, the United States. This national spirit is captured by Oswald de Andrade's pronouncement in English, "Tupí or not Tupí, that is the question,"<sup>7</sup> which itself devours Shakespeare's Hamlet to regurgitate an original proverb.

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<sup>4</sup> J. M. Coetzee, Elizabeth Costello (New York: Viking, 2003), 80.

<sup>5</sup> Ibid., 79.

<sup>6</sup> An earlier version of this discussion of antropofagia appeared in Alexandra Isfahani-Hammond, "Of She-Wolves and Mad Cows: Animality, Anthropophagy and the State of Exception in Claudio Assiss' 'Amarelo Manga,'" *Luso-Brazilian Review* 48, no. 2 (2011): 129–149.

<sup>7</sup> Oswald de Andrade, "Manifesto Antropófago." *Do Pau-Brasil à Antropofagia e às Utopias* (Rio de Janeiro: Civilização Brasileira, 1972 [1928]) 13.

A neglected implication of Europeans' stigmatization of man-eating is its masking of the massive-scale slaughter and consumption of nonhuman animals portended by colonization. By extension, an understudied yet provocative dimension of antropofagia is its intersecting critique of whiteness and anthropocentrism. If eating the other is a means to evade being eaten—or racially diluted—antropofagia parodies the European drama of a “natural order” wherein whites consume non-whites and animal life is continuously subjected to ethically and legally condoned violence. One of Brazil's most important anthropophagic Cinema Novo films, Nelson Perreira dos Santos's *Como era Gostoso meu Francês* (How Tasty Was My Little Frenchman, 1971), provides an explication of the instability of the friend/foe logic that underwrites how we eat. The film is set in the mid-16th century in the area now known as Rio de Janeiro, as the French and Portuguese struggle to gain control of the territory and the Tupinamba tribe has allied itself with the French against the Portuguese. The narrative revolves around the attempt of a French soldier, held captive as a prisoner of war by the Tupinamba, to prove that he is French and, hence, not properly edible. Whereas the audience knows that the captive is French, the tribe thinks that he is Portuguese and prepares to ritually consume him. Pointing to the ultimate commonality rather than difference between captor and captive, predator and prey, the Tupinamba incorporate him into the social organization of the tribe, making him one of them prior to cooking him. Whereas tribal custom allows the captive to become a member of the community before his death, the director's treatment of his fleeting reprieve from killability underscores the shaky reasoning according to which he qualifies as meat.

Cary Wolfe's interpretation of Jonathan Demme's thriller, *The Silence of the Lambs* (1991), helps us think about dos Santos's film, (*Animal Rites*, 2003). Reading species in relation to Western anxiety about what Sigmund Freud dismisses as perverse, “zoophilic” identification with nonhuman animal suffering, Wolfe observes that Hannibal Lecter's message is not “‘I eat animals and, therefore, not humans,’ but rather, ‘I eat animals and, therefore, humans.’”<sup>8</sup> In *The Silence of the Lambs*, consuming animal flesh does not safeguard against cannibalism; instead, it stimulates the palette for an even more gratifying Human feast. Demme subversively demonstrates that what Lecter does to Humans (and what Buffalo Bill does to Catherine) is precisely what speciesist society does to animals. The film ultimately calls upon Starling to “overcome her identification with the lambs of her childhood trauma, by means of an energetic ascent out of her working-class past and into the law of culture,” embodied by the FBI,

compensatory silencing of the lambs [that] only drives a wedge between women and animals, the two homologous objects of Warren's ‘logic of domination.’ It says, in so many words, that Starling has finally arrived at full

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<sup>8</sup> Cary Wolfe, “Subject to Sacrifice: Ideology, Psychoanalysis, and the Discourse of Species in Jonathan Demme's ‘The Silence of the Lambs,’” *Animal Rites: American Culture, the Discourse of Species, and Posthumanist Theory* (Chicago, IL: University of Chicago Press, 2003), 113.

subjectivity because she now understands that lambs cannot be saved, only people can.<sup>9</sup>

While it appears that Starling's mission is to rescue an innocent from the clutches of a psychopath, we come to see her duty as it really is: the renunciation of a young girl's sensitivity to animal suffering.

A look at the 2016 political arena demonstrates how wide-ranging cannibalist narratives are in Brazil, when even a battle between political parties is imagined in terms of ingesting defeated enemies' bodies. The violent language of the neoliberal takeover within months of the 31st Olympiad's "festive commercialism" provides a window into intersecting modalities of power, from the torture of political dissidents to the displacement of tens of thousands of Rio's poor and the murder of a vanquished wildcat.<sup>10</sup> On May 12, 2016, Partido dos Trabalhadores (PT, Worker's Party) President Dilma Rousseff was ousted in a coup mobilized by Brazilian elites, supported by US corporations and financial interests and facilitated by Rede Globo, the media conglomerate which also manufactured consent with the military coup of 1964. Though wealthier, the *golpistas*' (coup supporters) racialized nationalist ideology is frequently compared with that of US President, Donald Trump. With their removal of Rousseff, they stirred traumatic memories of the dictatorship: among the new government's first orders of business was to establish an all-white, all-male cabinet, shut down the Ministries of Culture, Human Rights, Women's Rights and Racial Justice, soften the definition of slavery by removing the terms "degrading conditions" and "exhausting shifts" from the legal classification of slave labor, and curtail the provision of a monthly income to very poor families known as Bolsa Família (Family Grant). Clearly, in light of the presidential election of Jair Bolsonaro in 2018, these reactionary measures were mere foreshadowing of the current regime's platform of ethnic cleansing and civil war to eradicate non-whites, gays and other "outlaws." The forces behind the *golpe* were reminiscent of a fascistic league of cannibalistas known as the *verde-amarelos* (yellow-greens, the colors of Brazil's flag). In contradistinction to the progressive, anthropophagic modernistas, the *verde-amarelismo* (or yellow-greenism) of the Integralists employed man-eating as a metaphor for authoritarian governance. Influential during Getúlio Vargas's first mandate, from 1930 to 1945, their ultra-nationalism envisioned the dual authority of the State and A Família Brasileira (The Brazilian Family).

In a chilling echo of the integralist's "man-eating," the April 17, 2016 lower house of congress vote to impeach Dilma was a spectacle of testosterone-driven shouting in which the 513 member chamber of deputies rose, one by one, to declare that Dilma should be ousted in the name of "God" and "The Brazilian Family." This symbolic lynching culminated with the outrageous speech by then Federal Deputy Jair Bolsonaro in which he dedicated his vote for impeachment to Colonel Brilhante Ustra, the former

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<sup>9</sup> Ibid., 105.

<sup>10</sup> For further discussion of the Olympic's "festive commercialism," see Jules Boykoff, *Celebration Capitalism and the Olympic Games* (New York: Routledge, 2014).

head of DOI-CODI—the Brazilian intelligence and specifically anti-communist repression unit during the military regime (1964–1985), the first name of whose acronym, DOI, suggests pain or hurt.<sup>11</sup> DOI-CODI was known for its torture methods, and Brilhante Ustra was specifically responsible for devising torture methods for women prisoners and, in particular, pregnant prisoners. Bolsonaro’s exact words were that he dedicated his vote to “the memory of Colonel Carlos Alberto Brilhante Ustra, the dread of Dilma Rousseff.”<sup>12</sup> Bolsonaro’s triumphant invocation of Dilma’s dread re-subjected her to the tortures she sustained, without naming names, during the years she was imprisoned for her anti-dictatorship activities (1970–1972). The cannibalistic logic of the coup became even more overt with the disclosure, on May 23, 2016, of a series of phone conversations providing evidence that Dilma’s impeachment was directly related to obstructing the anti-corruption investigations known as Lava Jato (Car Wash). In one of the recordings, ex-senator of Roraima state, Romero Jucá says, “We have to change the government in order to halt the (investigations’) bloodletting,” and expresses alarm that if the investigations continue, a vast cadre of pro-coup PSDB (Brazilian Social Democracy Party) politicians will be eaten. His exact words were “Everybody on the platter to be eaten” and “The first to be eaten will be Aécio,” a reference to his ally, senator Aécio Neves.<sup>13</sup> Dozens of memes were immediately generated about Brazil’s “anthropophagic politics” and Aécio being eaten, including one featuring Hannibal Lecter, behind bars, reading to Aécio from a list: “Are you the first (to be eaten)?” As one friend posted on Facebook, “It’s too tempting not to talk about it. I can see why gringos are obsessed with antropofagia.” Another acquaintance said, “I’m just getting back online and need you to get me up to date. Has Aécio been eaten yet?” It is important to note that in Brazilian Portuguese, “comer” also connotes sexual consumption; jokes about Aécio being eaten simultaneously suggested that he would be fucked. Cannibalist hyperbole reveals the postslavery political economy as it truly is: a battleground for the deadly operations of transpecies carceral and culinary politics.

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<sup>11</sup> “Dói” with an acute accent on the “o” means “hurts.”

<sup>12</sup> “Coronel Ustra, homenageado por Bolsonaro como ‘o pavor de Dilma Rousseff’, era um dos mais temidos da ditadura.” *O Globo*, April 18, 2016. <http://extra.globo.com/noticias/brasil/coronel-ustra-homenageado-por-bolsonaro-como-pavor-de-dilma-rousseff-era-um-dos-mais-temidos-da-ditadura-19112449.html>.

<sup>13</sup> Romero Jucá, post-coup, was made Planning Minister but stepped down after the taped phone conversations were disclosed. The conversations were with Sérgio Machado, ex-president of Transpetro, the largest oil and gas transportation company. These were recorded in March 2016 by Machado himself and released to the Lava Jato task force in exchange for whistle-blowing immunity. The political allies who would be “eaten” were involved in fraudulent contracts with Petrobrás and in campaign corruption.

## “My kinsfolk, how could I?”

Where cannibalism provides an absurdist register for the logic that divides edible foes from inedible friends, an intensely mournful account is found in the work of João Guimarães Rosa (1908–1967).<sup>14</sup> Considered one of Brazil’s greatest writers of all times, Rosa was a self-taught polyglot who spoke more than ten languages and was famous for his original and technically sophisticated word play. Whereas in his epic work, *Grande Sertão/Veredas* (*The Devil to Pay in the Backlands*, 1956), linguistic defamiliarization mediates the protagonist’s indefinite sex and, by extension, the subversion of gender dialectics, in his short story, “*Meu Tio, o Iauaretê*” (*My Uncle, the Jaguar*, 1961), Rosa brings this intricate verbal deformation and syntactical renovation to species.

The narrator of “*Meu Tio...*” is a former wildcat hunter who becomes remorseful about the suffering he has inflicted on his prey, entering into a state of haunted rumination about his actions. Whereas dos Santos’s Tupinamba never realize that their dinner is French, Rosa’s narrator apprehends that he has been murdering individuals he now knows as kin. Turning into a jaguar, Haroldo de Campos observes that the hunter-cum-jaguar’s conversion is signaled by linguistic transformation; abandoning Portuguese in favor of Tupi-guaraní, the word *nhenhen*, from the Tupi, *nhenhem*, which means “to speak,” appears throughout Rosa’s story, such that with *jaguanhenhem*, Rosa signals a jaguar way of speaking that is both Indigenous and jaguar.<sup>15</sup> Dávina Marques adds that the narrator’s retreat from Portuguese is marked by the reemergence of Tupí syntax together with the onomatopoeia of the wildcat.<sup>16</sup>

They left me here all alone, jus’ me. Left me to work at killing, hunting cats. They shouldn’t have. Mas’r Johnny Guede shouldn’t have. Didn’t they know I was their kinsfolk? Oh no! Oh no! I’m bringin’ down evil and misfortune, ‘cause I killed so many wildcat, why did I do that? I can cuss, I can. I can cuss! Sheess, n’t, n’t!<sup>17</sup>

Rosa’s “becoming-jaguar” is distinct from the “becoming-animal” of Gilles Deleuze and Félix Guattari;<sup>18</sup> whereas Deleuze and Guattari reflect on the animal as a privileged figure for the problem of difference and subjectivity generally, their meditation is

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<sup>14</sup> Mourning is not, however, incompatible with cannibalism. Ritual consumption of small amounts of deceased loved ones’ remains is a common practice. See William Arens, *The Man-Eating Myth* (Oxford: Oxford University Press, 1979). In Cheryl Strayed’s grief memoir, *Wild* (New York: Knopf, 2012), she reports that she eats a bit of her mother’s ashes.

<sup>15</sup> Cited in Lucia Sá, *Rain Forest Literatures: Amazonian Texts and Latin American Culture* (Minneapolis: University of Minnesota Press, 2004), 242.

<sup>16</sup> Dávina Marques, “*Devir em ‘Meu Tio, o Iauaretê’: um Diálogo Deleuze-Rosa.*” 16o Cole - Congresso de Leitura do Brasil: Caderno de Atividades e Resumos 1(2007).

<sup>17</sup> João Guimarães Rosa, “*My Uncle, the Jaguar.*” *The Jaguar and Other Stories*. Trans. David Treece (Oxford: Boulevard Books, 2001), 53.

<sup>18</sup> Marques, “*Devir.*”



rigorously detached from practical engagement. By contrast with the purely theoretical transformation about which they speculate, Rosa's narrator's crumbling Humanity speaks to Franz Fanon's demand for praxis. Indeed, slipping deeper into jaguanhenhem, his embodied rejection of the Human is reminiscent of Fanon's distillation of the explosion: "The explosion will not happen today. It is too soon...or too late."<sup>19</sup> Fanon describes a process of disintegration that is both linguistic and corporeal. However, he indicts the colonial grammar constituting Blacks as unclean, fearsome and monkey-like: "It has been said that the Negro is the link between monkey and man—meaning, of course, white man."<sup>20</sup> This syntactical breakdown is simultaneous with his fleshly undoing: "My body suddenly abraded into nonbeing... I stumbled.... I burst apart. Now the fragments have been put together by another self."<sup>21</sup> Echoing Fanon—and, indeed, signaling his crucial import for critical animal studies—the mestiço wildcat hunter turned feline avenger laments the Indigenous genocide and the marketing of jaguar pelts as hybrid, transpecies yeowls, meows and roars mediate his transformation from man to animal.

The hunter's rupture with the Human occurs when he grasps that the cats he killed knew him as family and, hence, had not run away. He relates that when they discover that his Uncle, like all his relatives, is jaguareteh (a were-jaguar or "true beast"), they go crazy: "I got punished – hoodooed, jinxed... I hate to think about those killings I did... My kinsfolk, how could I?!"<sup>22</sup> As Curt Nimuendaju notes, Rosa's narrator is driven to a state of what the Tupí-Guaraní call *mi-ve* or *tupichua*, meaning "one who sees jaguars," a mental disorder that, in the context of the story, is also a state of resistance.<sup>23</sup> Whereas Rosa's narrator's liminal or possessed state may be the source for his going over the edge, there is an avoidance in Sá's reading and, indeed, perhaps even in Rosa's, of his legitimate remorse. Persecuted by memories of the kinfolk he has killed, he relates to his visitor the graphic details of how each was stalked, ambushed and destroyed. Recalling one wildcat who had come "pad-padding gently along...,"<sup>24</sup> he tells the visitor that she walked right up to him when he raised his spear to her: "Chriisst, poor wildcat, poor devil, that spear-stick going right into her... Poor darlin'... Be stabbed to death? Uhhh, uhhh, God forbid... Feel the iron pushing into your living flesh..."<sup>25</sup> Both culprit and witness, the narrator experiences a version of the murdered wildcats' agony, as though the iron pushing into his own living flesh was the pain of his memories. He remembers the depth of his relatives' fury at the moment of being

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<sup>19</sup> Frantz Fanon, *Black Skin, White Masks* (New York: Grove Press, 1967), 7.

<sup>20</sup> *Ibid.*, 30.

<sup>21</sup> *Ibid.*, 109.

<sup>22</sup> Rosa, "My Uncle," 57.

<sup>23</sup> Cited in Sá, *Rain*, 243. Sá identifies Curt Nimuendaju's "Die Sagen von der Erschaffung und Vernichtung der Welt als Grundlagen der Religion der Apopocuva-Guarani." *Zeitschrift für Ethnologie* 46 (1914): 284–403 as a source of inspiration for Rosa's "Meu Tio, O Iauaretê."

<sup>24</sup> Rosa, "My Uncle," 54.

<sup>25</sup> *Ibid.*, 55.

murdered and accentuates that their dying utterances exceed anything he could have imagined. The legions of murdered jaguars cause him to come undone or, indeed, as Fanon would have it, to “burst apart.” He relates to his visitor his troubled state of mind after so much killing: “Ha, ha, don’t you go thinking it’s nice and easy, quiet and gentle, oh no. Eh, yeeah... Wildcats choked up with rage. She slithers, and writhes, and struggles under that spear.”<sup>26</sup>

In addition to the individuals the narrator regrets killing, his haunting is that of his patrilineal colonial ancestry, the legacy of the Portuguese-Indian laborers dispatched to the Amazon to massacre the Indigenous, then to work in the Rubber Trade which, together with intensive animal agriculture, led to further Indigenous displacement. Hated by the non-Indians, Rosa’s narrator yearns for the Indigenous matrilineage from which he has been disconnected since being sent to live alone in the woods. He describes how good his Indigenous mother was, how generously she had cared for him and his deep grief for her: “Missed my ma, she died, sassyara. Aaahn... Jus’ me...—all alone...Didn’t have no help or protection.”<sup>27</sup> Of the many ponds well suited to swimming where he lives, he comments how much she would have liked it there. Our grieving narrator even falls in love with a jaguar, “Maria-Maria,” whose name is a version of his mother’s, “Mar’Yara Maria,” and clarifies that his mother was a Tacunapewa Indian, not a Corah, who were not only aligned with felines but, indeed, frightened by them.

The narrator’s sorrow for his jaguar and Indigenous kinfolk lead him on a murderous rampage, hunting his (mostly) Human victims for other jaguars to devour as a way of making amends and gaining entrance back into the domain of indigeneity and cats. There are exceptions to his revolt, with those at the fringes of the colonial order not held liable: he spares Maria Quirinéia, the prostitute, who appeases him by observing that his mother must have been pretty, leading her together with her deranged husband beyond the leopards’ territory. The introduction of a word of African origin, “Macuncozo,” at the end of the story has elicited conjecture that he regrets mistaking people of African descent as prey. In a letter to Haroldo de Campos, Rosa himself suggests that this “African note, thrown in at the end of the story,” reflects belated acknowledgment that he and the Afro-descendants in his midst were in fact allies, marginalized and exploited by the Johnny Guedes of the world.<sup>28</sup> Proof that the former wildcat hunter has successfully returned to the killable realm of his kinfolk is the shot that rings out at the end of the story amidst his struggling jaguanhenhem vocalizations, summary confirmation of his animality. Rosa’s denaturalized hunter invites us to see the jungle as it truly is: a colonial assemblage of haunted selves beleaguered by the false dichotomies that underlie violence and loss.

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<sup>26</sup> Ibid., 55.

<sup>27</sup> Ibid., 51.

<sup>28</sup> Cited in Sá, Rain, 249.

## War in the jungle

The word jaguar, in Portuguese, or jaguara, in Spanish, comes from one of the Tupí-Guaraní languages, probably Tupinambá, in which *ya'wara* means beast, “s/he who kills in one leap.” Female jaguars, the third largest feline after the lion and tiger, provide all the parenting after mating, at which point pairs split, with female jaguars’ territory ranging between 25 and 40 square kilometers. Though constructed in colonial frames as at the “top of the food chain”—known for their unusual way of killing with a fatal bite to the cranium directly between the ears—jaguars are elusive by nature. Their territory may overlap, but they are careful to avoid each other, preferring a solitary life in the inaccessible tropical forests where they are exceptionally strong swimmers. As Rosa’s narrator puts it, “Eh, there’s a critter can swim!”<sup>29</sup> Jaguars are also known to consume *banisteriopsis caapi*—one of two elements of the medicinal brew *ayahuasca*, an entheogen central to Indigenous Amazonian basin worlding. Indeed, Rosa’s narrator mentions the tea he drinks made from a plant’s roots and confirms that, “Wildcat, they know a lot, too. There’s things she sees, that we don’t, and can’t.”<sup>30</sup> Able to kill any being, jaguars’ only mortal vulnerabilities are to deforestation (land clearance for grazing cattle), poaching and retaliatory predation by fulltime jaguar hunters hired by ranch owners whose cattle are eaten by jaguars.

The 17-year-old Juma had lived her entire life in the zoo of the Centro de Instrução de Guerra na Selva (CIGS, Jungle Warfare Instruction Center) in Manaus along with her sibling. The CIGS does not provide any information about the circumstances of the cubs’ orphanhood, though their mother was almost certainly killed by poachers or retaliatory hunters. The mascot for the Comando Militar da Amazônia do Exército (Amazonian Infantry Battalion), Juma was heavily tranquilized and brought out of her enclosure for special events, fulfilling the simultaneous roles of war captive and embodiment of the battalion’s machismo. On Monday June 20, 2016, she was placed on display as part of the Olympic torch run, traversing Brazil in anticipation of the August 5 opening ceremony. Her appearance provided a visceral compliment to Ginga, the Brazilian team’s smiling jaguar cartoon mascot, as well as the snarling jaguar whose image appears on the emblem of the Jungle Warfare Instruction Center.

Secured by a heavy chain wielded by soldiers in camouflage gear, Juma was posed for multi-angle shots a few feet from the passing of the lit torch to Brazilian physiotherapist, Igor Simões Andrade. The vanquished feline was presumably evidence of the soldiers’ predatory might and, by extension, the virility and stamina of Brazil’s Olympic team. As Juma was led back to the enclosure following the event, she is reported to have escaped but is more likely to have slipped free from her chain, whereupon she was immediately shot with four tranquilizer darts. Drugged to oblivion, when she continued walking in the direction of the soldier coming after her, she was shot in

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<sup>29</sup> Rosa, “My Uncle,” 47.

<sup>30</sup> *Ibid.*, 51.

the head and killed. Close on the heels of Harambe's May 2016 killing in the Cincinnati Zoo and the June 2016 alligator slaughter at Walt Disney's theme park, the carceral logic of the zoo predetermined Juma's disposability. Indeed, the Jungle Warfare Instruction Center's Facebook page is a display of male domination of so-called animals. Its cover image shows four soldiers, one bare chested and the other three securing a mammoth-sized snake. In the left-hand corner is the Center's coat of arms, depicting its ferocious mascot and, in bold capital letters, *Guerra na Selva* (War in the Jungle). In addition to taking initiative, staying fit and adjusting to physical discomfort, one of the Center's mottos, engraved above its entryway, is "Pense e aja como caçador, não como caça" (Think and act like a predator, not like prey).<sup>31</sup>

The fact that the Tupí-Guaraní revere jaguars not only as master predators but for introducing them to fire adds another layer to the indignity of Juma's captive prostration to a burning torch. To acknowledge jaguars' significance to Indigenous worlding is not to diminish Juma's inherent value, nor to reify an authentic Indigenous perspective but, on the contrary, to emphasize the sphere of her import within the dynamic, colonialist, multispecies microcosm of the Amazon basin. There is a common belief in the South American lowlands in intraspecies shape-shifting, with dolphins, snakes and jaguars as popular protagonists, such that Indigenous South Americans see animals as (potential) other "selves." Eduardo Viveiros de Castro describes the impact of this relational ontology as the radical crumbling of the Human. To look into the other's eyes and not know if a jaguar is looking back is to come undone: "He isn't like me but looks like me. The jaguar who transformed into a person means that I am no longer one."<sup>32</sup> In Eduardo Kohn's analysis of Ávila Runa society, framed by layers of settler coloniality and echoed in CIGS's slogan, "Think like a predator," the fundamental relation is between predator and prey. Seen by shamans on ayahuasca journeys, when a person "with jaguar" dies, their soul goes to the forest to become the dog of the spirit animal masters, acquiescing to them in the same way the Runa defer to the landowners for whom they work as field hands.<sup>33</sup> The gaze is central to survival: if you make eye contact with the jaguar, they will recognize you as a fellow predator, so that you achieve were-jaguar status, whereas if your head is turned so that they watch you without being watched, you will become prey.<sup>34</sup> How would it be to see and be seen by Juma? With her drugged countenance and caged ontology, she is no longer a predator to be reckoned with, though her *iauaretê* doppelgänger enables us to see her as she truly is, swimming in jungle pools and chewing on *banisteriopsis caapi*, reminding us not to forget her.

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<sup>31</sup> Centro de Instrução de Guerra na Selva, Facebook, [www.facebook.com/gildohenriquedeazeredo/](http://www.facebook.com/gildohenriquedeazeredo/).

<sup>32</sup> Viveiros de Castro, *La Mirada del Jaguar. Introducción al Perspectivismo Amerindio*. Entrevistas (Buenos Aires: Tinta Limón Ediciones, 2013), 281.

<sup>33</sup> Eduardo Kohn, *How Forests Think: Toward an Anthropology beyond the Human* (Berkeley: University of California Press, 2013), 244.

<sup>34</sup> *Ibid.*, 19.

## Slaughterhouse-bound truck

Accompanying my parents through their illnesses—what David Rieff calls “swimming in a sea of death”—was an education bordering on the inHuman.<sup>35</sup> On the one hand, the hospital’s depersonalization spoke to its hidden operations, alluding to monkeys in laboratories, pigs disemboweled to be stitched back together in military medical trauma training. I came to perceive the teaching hospital’s essence: an industry designed to advance research and manage bodies, extracting maximum profit from their vulnerabilities. On the other hand, illness presented an opening into transspecies consciousness. The Alzheimer’s plaques that had undone and reshaped my father’s personality seemingly dissolved his identification with Human forms, strengthening his kinship with other species. A cultural anthropologist admired for his skillful political interpretations and comical dramatizations, in his final years, my father’s gaze lost feeling as conversations were woven around his vacated center, his eyes regaining focus and warmth only when my dogs, Akbar and Aziz, entered the room, whereupon he shifted into silent communication with them via eye contact, head tilts and gentle caresses. Medical science classifies the tendency of Alzheimer’s sufferers to connect more intensely with other species as a degenerative, compensatory affect, but perhaps they are alternately aware given their proximity to what my father himself, in the late stages of Alzheimers, called “other planes of reality.”

A lifelong atheist, my father voiced his altered way of knowing one week after my mother died, the first occasion on which I mustered the composure to visit him. I had been stunned by my mother’s disappearance and wondered aloud where she might be. His reply was that “She’s in my heart.” Asked if he did not think she was gone, he shook his head resolutely to dispel my worry: “To think of this,” he said, lifting his hands in the air and gesturing with his eyes around the room, “as the only plane of reality would be....” “Arrogant?” I suggested. “Exactly,” he replied. During my father’s own active dying process, he gasped for air for four hours and ten minutes. As his color yellowed and his blue eyes slowly lost their mooring—the left gradually directed downward and the right, pointed diagonally up—my words to him came spontaneously: “When you are gone, I will continue to embrace you when I hold Akbar and Aziz.”

Watching my mother and father slowly disappear activated an ancient transspecies murmuring. Loss of health was not simply an event to which I bore witness, for I myself fell ill. Scared stiff, I had what Amazonian shamans call “susto,” which literally means fright or shock and is characterized as a form of chronic illness stemming from emotional trauma or witnessing traumatic experiences lived by others, frequently conceptualized as a case of spirit attack, and what Western medicine defines as a combination of Post-Traumatic Stress Disorder, Depression and Chronic Active Epstein-Barr. Sunk into a state of exhaustion, I began attending ayahuasca ceremonies hoping to restore my vitality and ameliorate my haunting relationships with dying and the dead.

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<sup>35</sup> See David Rieff, *Swimming in a Sea of Death* (New York: Simon and Schuster, 2008).

As C.S. Lewis observes, every love relationship has two phases—one in which both parties are living, and the next in which one or the other has died: “We are ‘taken out of ourselves’ by the loved one while she is here.... we must learn to be still taken out of ourselves though the bodily presence is withdrawn.”<sup>36</sup> Ayahuasca is an entheogen which opens a pathway between the worlds, providing instruction in living and dying. Kohn calls ayahuasca a mode of “communication through which, via souls, contact among beings inhabiting different ontological realms becomes possible, in part of a single experience that spans temporal domains and states of consciousness.”<sup>37</sup> Dennis McKenna identifies ayahuasca as “the conduit to a body of profoundly ancient genetic and evolutionary wisdom” from the cosmologies of the Indigenous who “knew human value was not to be a master to nature, but its steward.”<sup>38</sup> In the view of traditional Amazonian shamans, ayahuasca’s dissemination to the West is intended to elevate consciousness about Human practices that are laying waste to the planet.

Over the course of fourteen ceremonies, ayahuasca returned me to the experience of watching my parents disappear, opening and adding weight and dimension to my education at their deathbeds, and building upon the practices I had fashioned to solidify my relationships with their spirits. I was placed alongside them again, first stopping to catch their breaths, then skeletal and immersed in deathbed visions, their bodies changing hue. Painstakingly deconstructing the action of presiding over their deaths, at times I am supported by a maternal embrace, observing from a safe distance; at others, care and connection lead to embodied terror as I experience the plight of the animalized. Though the shaman reminds me to concentrate on dispelling the gloom that has enveloped me since my mother died, my trauma is interwoven with the plight of hundreds of billions of animals at the hands of their Human captors. I whisper to him that I am trapped, images of three generations of my mother’s line in solitary confinement overlapping with animals with their bloodied legs caught in snares. The enclosure of my body is the small studio apartment into which my mother withdrew and the even more miniscule den from which my grandmother, Sakineh, extended a fragile arm to receive food from neighbors. I feel the homesickness of animals whose kinship ties are severed, traversing sparrows’ genealogies, coinciding with sheep whose fear of knives and chickens whose ontological cagedness is encoded in their DNA. This is radical vegan possession, the opposite of Temple Grandin’s “We are one with the animals we kill” or Donna Haraway’s celebration of hierarchical transpecies coevolution. Rather, as imprisoned social and environmental justice activist Marie Mason explains

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<sup>36</sup> Clive Staples Lewis, *A Grief Observed* (New York: Harper Collins, 1961), 50.

<sup>37</sup> Kohn, *Forests*, 13.

<sup>38</sup> Cited in David Hill, “Ayahuasca is Changing Global Environmental Consciousness.” *The Guardian*, July 30, 2016, [www.theguardian.com/environment/andes-to-the-amazon/2016/jul/30/ayahuasca-changing-global-environmental-consciousness](http://www.theguardian.com/environment/andes-to-the-amazon/2016/jul/30/ayahuasca-changing-global-environmental-consciousness).

it: "They were my family as well, my relations, and I was bound by honor, love, and duty to do right by them."<sup>39</sup>

Just as Native Americans blessed the animals, the Koran dictates that so-called animals are offered a prayer and water before slaughter; my mother and I share a single body, helplessly watching over them as they crane their necks from the gourd, disinterested in water, their eyes fixed precisely on the glistening blade poised alongside it. I feel her brutalized love in her care for the sparrows her own mother, Sakineh, would catch and instruct her daughter to hold within her small palms, conveying them to a neighbor who would behead them, sending my mother with their lifeless bodies back to Sakineh to cook. I am with her, delivering the soft, fluttering animals to their deaths. With such tenderness she cradles them before surrendering them to their executioner. The horror never leaves her, nor do the sparrows; they take roost within her, stretching up through her neck to peer out through her kohl-rimmed eyes, surveying a world of treachery, but also the wide blue sky to which they hope to return.

I am drawn into enclosures ranging from primate experimentation laboratories to automobile crash testing sites but, most consistently, I am with captive pigs. Perhaps pigs' distress is so acutely accessible because I have learned that they commonly get loose on the killing floor, where they are lunged at with "stickers" to force them back into the vats of boiling water into which they have been dropped, still conscious, to remove their skin. Because their screams are so piercing, and they implore the workers with submissive gestures, much like a dog would beseech an abuser. Or maybe it is because of the animal liberating infiltrator of Martha Grimes' *Dakota* (2008), who tucks a runt piglet into her jacket at the end of her shift at "Klavan's Pig Farming Facility" after observing the standard practice of disposing of runts, considered industry waste, by hurling them against a cement wall. Or because of the activities of Toronto Pig Save, a coalition that holds vigil and offers water to pigs on their way to slaughter, touching and speaking softly to them as they are corralled from the transport trucks. I feel their heavy, terrified bodies and wide, shocked eyes. We go shoulder to shoulder as the truck shakes along the highway, the metal casings clattering in the frigid air. Their suffering is extreme, incessant and massive scale, and my desolation is aggravated by the fact that the vast majority do not see or care. How can I be their best advocate? Words don't open cages, and writing doesn't resolve the problem of pigs huddled together on a slaughterhouse-bound truck.

At age eight in Dunn, North Carolina, I stood beside an injured pig, fallen or escaped from such a vehicle, her breathing being an affront to the clandestine domain of intensive animal agriculture. We gathered on the black asphalt by her prone body, the adults exchanging words about what was to be done as the odors of gasoline and oil intermingled with the scent of charred flesh wafting from "Dobb's Garage and Grill." My mother eventually led me away by the hand, explaining that Dobb's and

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<sup>39</sup> See Matthew Calarco, "'What Is Good for All of Us, Is the Only True Good for Any of Us:' An Interview with Marie Mason." *Journal for Critical Animal Studies* 10, no. 2 (2012): 127–139.

the other adults' talk about saving the pig meant only that she would be preserved to be killed and eaten. She took me back to the road several times to keep the injured pig company. The pig was barely moving but her eyes were wide open. I wonder if she was retrieved for slaughter or if she died on the roadside. Perhaps she was still living when the highway sanitation workers removed her. It was only later that I saw "Dobb's Grill" not as a restaurant but as it truly was: an incinerator for murdered kin. Was there nothing we could do? My mother had shut the glass doors when the neighbors barbequed, exclaiming that the most disturbing part was that the smell of burning animals was tantalizing. She apologized for bringing me into the world.

My mother said things that other people did not, for she never came to terms with the killing all around her, unlike Starling in *The Silence of the Lambs*, who eventually discards her "naïve, immature" empathy for animals. Holding sparrows in her palms as they received their death blows, she refused to accept the narratives that would make it all right. To be held in the gaze of my dying mother was to see myself, flesh atop bone that would turn to ash, and to be beholden to sparrows. Donna Haraway writes about the ways in which guardians and their co-species trade cellular information as the result of centuries-long contact, adapting and evolving in dialogue with one another, exchanging DNA through skin and saliva. She stops coldly short of recognizing the radical potential of that contact and the instability of the Human that always threatens, like Rosa's hunter, to turn feline. One of the ways this eruption or outburst occurs is through transpecies cellular, or embodied, empathy and yet, hearing Juma's primal yowl leads to a condition of irreality. It is one thing to mourn a parent, another to mourn the countless billions of animals subjected to unabating violence. Grieving the murdered, the dead and, worse, those enduring what Jacques Derrida calls "an artificial, infernal, virtually interminable survival,"<sup>40</sup> James Stanescu observes that we risk coherency and intelligibility.<sup>41</sup> Like Rosa's narrator, we are driven by culpability and grief to a condition of *mi-ve*. Indeed, Elizabeth Costello's attunement to the quotidian horrors to which the vast majority is indifferent leads her to wonder if she is mad; surrounded by murderers, is it she who sees things askew? "A sparrow knocked off a branch by a slingshot, a city annihilated from the air: who dare say which is the worse?"<sup>42</sup>

The task is not to compare the sparrow's inherent value with that of a city, but to seek an expansion whereby multiple layers of reality become accessible. Addressing this simultaneity, Kohn observes how the Runa's relationship with the spirit masters redoubles their subservience to their bosses, the estate owners and priests. Dreaming, tobacco and ayahuasca ultimately enable Kohn to perceive the forest's true nature:

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<sup>40</sup> Jacques Derrida, "The Animal that Therefore I Am." *Critical Inquiry* 28 (Winter 2000): 395.

<sup>41</sup> James Stanescu, "Species Trouble: Judith Butler, Mourning, and the Precarious Lives of Animals." *Hypatia* 27, no. 3 (2012): 13.

<sup>42</sup> Coetzee, Elizabeth, 159.



I too... was able to see the forest as it really is. I came to see it as a domestic space—a ranch—because this is how it appears from the dominant perspective of the spirit master of the forest....<sup>43</sup>

Ayahuasca deepened my awareness of such simultaneity. I observe myself with my mother rounding the corner, our nostrils filling with salt air; while my longing is encapsulated by this scene, I come to see it as it really is: never-ending days by the sea in a single fold of an intricately patterned fan, propelled by the same tenderness that stirs me to mourn Juma and to encircle my dogs in an embrace that penetrates my father's core. Death concedes the artifice of species, while grief enables a rapprochement with our animal kin and a reckoning about the transpecies legacies of creatures in our midst, both those whom we have failed and those to whom we devote our care.

## References

- Adams, Carol. *The Sexual Politics of Meat: A Feminist-Vegetarian Critical Theory*. New York: Continuum, 2006.
- Andrade, Oswald de. "Manifesto Antropófago." In *Do Pau-Brasil à Antropofagia e às Utopias*, 11–19. Rio de Janeiro: Civilização Brasileira, 1972.
- Arens, William. *The Man-eating Myth: Anthropology and Anthropophagy*. Oxford: Oxford University Press, 1979.
- Boykoff, Jules. *Celebration Capitalism and the Olympic Games*. New York: Routledge, 2014.
- Calarco, Matthew. "'What Is Good for All of Us, Is the Only True Good for Any of Us:' An Interview with Marie Mason." *Journal for Critical Animal Studies* 10, no. 2 (2012): 127–139.
- Campos, Haroldo de. "A Linguagem do Iauaretê." In *Guimarães Rosa*, edited by F. Coutinho, 574–579. Rio de Janeiro: Civilização Brasileira, 1983.
- Castro, Viveiros de. *La Mirada del Jaguar. Introducción al Perspectivismo Amerindio. Entrevistas*. Buenos Aires: Tinta Limon Ediciones, 2013.
- Coetzee, J. M. Elizabeth Costello. New York: Viking, 2003.
- Como Era Gostoso Meu Francês. Dir. Nelson Perreira dos Santos, 1972.
- Deleuze, Gilles and Félix Guattari. *A Thousand Plateaus: Capitalism and Schizophrenia*. Minneapolis: University of Minnesota Press, 1993.
- Derrida, Jacques. "The Animal that Therefore I Am (More to Follow)." *Critical Inquiry* 28 (Winter 2000): 369–418.
- Fanon, Frantz. *Black Skin, White Masks*. New York: Grove Press, 1967.
- Garcia, Maria Elena. *Transpecies Hauntings*. Lecture at the Race and Animals Institute, Wesleyan University, Middletown, CT, June 22, 2016.
- Grandin, Temple. *Animals in Translation*. New York: Scriber, 2005.

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<sup>43</sup> Kohn, *Forests*, 274.

- Grimes, Martha. *Dakota*. New York: Penguin, 2008.
- Haraway, Donna. *The Companion Species Manifesto: Dogs, People and Significant Otherness*. Chicago, IL: Prickly Paradigm Press, 2003.
- Isfahani-Hammond, Alexandra. "Of She-Wolves and Mad Cows: Animality, Anthropophagy and the State of Exception in Claudio Assiss' 'Amarelo Manga.'" *Luso-Brazilian Review* 48, no. 2 (2011): 129–149.
- Johnson, Randal and Robert Stam, eds. *Brazilian Cinema*. East Brunswick, NJ: Associated University Presses, 1982.
- Kohn, Eduardo. *How Forests Think: Toward an Anthropology Beyond the Human*. Berkeley: University of California Press, 2013.
- Lewis, Clive Staples. *A Grief Observed*. New York: Harper Collins, 1961.
- Marques, Davina. "Devir em 'Meu Tio, o Iauaretê': um Diálogo Deleuze-Rosa." 160 Cole – Congresso de Leitura do Brasil: Caderno de Atividades e Resumos 1(2007).
- Nimuendaju, Curt. "Die Sagan von der Erschaffung and Vernichtung der Welt als Grundlagen der Religion der Apopocuva-Guarani." *Zeitschrift fur Ethnologie* 46 (1914): 284–403.
- Rieff, David. *Swimming in a Sea of Death*. New York: Simon and Schuster, 2008.
- Rosa, João Guimarães. *Grande-Sertão: Veredas*. Rio de Janeiro: Editora Nova Fronteira, 1984.
- . "Meu Tio, o Iauaretê." In *Estas Estórias*, 176. Rio de Janeiro: Editora Nova Fronteira, 1985.
- . "My Uncle, the Jaguar." *The Jaguar and Other Stories*. Trans. David Treece. Oxford: Boulevard Books, 2001.
- Sá, Lúcia. *Rain Forest Literatures: Amazonian Texts and Latin American Culture*. Minneapolis: University of Minnesota Press, 2004.
- Shakespeare, William. *Hamlet*. New York: Norton, 1992.
- The Silence of the Lambs*. Dir. Jonathan Demme, 1991.
- Stanescu, James. "Species Trouble: Judith Butler, Mourning, and the Precarious Lives of Animals." *Hypatia* 27, no. 3 (2012): 567–582.
- Strayed, Cheryl. *Wild: From Lost to Found on the Pacific Crest Trail*. New York: Knopf, 2012.
- Watson, Paul. "Opening the Games with an Animal Sacrifice." Facebook. June 22, 2016. [www.facebook.com/paul.watson.1426/posts/10154895606493362](https://www.facebook.com/paul.watson.1426/posts/10154895606493362).
- Williams, Joy. *Ill Nature: Rants and Reflections on Humanity and Other Animals*. New York: Random House, 2001.
- Wolfe, Cary, "Subject to Sacrifice: Ideology, Psychoanalysis, and the Discourse of Species in Jonathan Demme's 'The Silence of the Lambs.'" In *Animal Rites: American Culture, the Discourse of Species, and Posthumanist Theory*, 97–121. Chicago, IL: University of Chicago Press, 2003.

## Section IV. Colonialism, animals, and the law

# 10 Constitutional protections for animals: A comparative animal-centred and postcolonial reading

Maneesha Deckha

American law classifies nonhuman animals as property. As animal legal scholars have noted, this status poses immense obstacles in recognizing them as beings with inherent worth who should not be commodified or exploited for profit.<sup>1</sup> Even animal welfare legislation is powerless against the exploitative force that ownership in animals connotes. As Gary Francione has carefully documented, anti-cruelty legislation across all 50 states follows the anthropocentric framework he terms “legal welfarism”, an approach to animals that purports to respond to their suffering while continuing to categorize them as objects of property rights.<sup>2</sup> The term is intended to convey the abysmal legal reality for animals that their entrenched property status results in a highly skewed balancing where even the most trivial interests of property owners outweigh the life-and-death interests of animals and their suffering.<sup>3</sup> Exceptions only arise when the use of animals at issue is condemned by mainstream society as deviant; it

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<sup>1</sup> Tellingly, where animals have achieved this recognition is in the arena of legal disputes where they figure as companion animals. For a discussion of developments in private law regarding companion animals, see Maneesha Deckha, “Property on the Borderline: A Comparative Analysis of the Legal Status of Animals in Canada and the United States.” *Cardozo Journal of International & Comparative Law* 20 (2011): 313. There have been some developments in the Tort law in both the USA and Canada. In the USA, you can obtain a tort damage award for emotional distress, loss of companionship, or recovery of veterinary bills for an injured or wrongfully killed companion animal, and developments in Canada have followed the US developments (323–328). In the USA, courts sometimes have applied a similar standard to the “best interest standard” for child custody cases in family law cases involving companion animals, and some courts have created agreements similar to shared custody or visitation rights for the companion animal (333–335). In the USA, 45 states have created a statutory regime which recognizes trusts created for companion animals, and in Canada the court sometimes allows common law bequeaths or charitable trusts set up for companion animals (348–350). Also, in 18 municipalities and one state in the USA, and one municipality in Canada, the term “guardian” is used instead of the term “owner,” although this is only a symbolic change, not a legal change (358–359, 362).

<sup>2</sup> Gary Francione, “Animals, Property and Legal Welfarism: Unnecessary Suffering and the Humane Treatment of Animals.” *Rutgers Law Review* 46 (1993–1994): 721, 723.

<sup>3</sup> *Ibid.*

is these practices that get framed as “unnecessary” suffering and thus count as violations under anti-cruelty statutes.<sup>4</sup> Tellingly, this typically happens only when acts are sadistic and have no profit motive or when the practices of minoritized cultures are at issue.<sup>5</sup>

A question that arises from Francione’s pathbreaking work, then, is whether the global sphere reveals alternatives to the legal welfarist approach or does the welfare framework universally guide jurisprudence in all countries? To take on this question in its entirety is beyond the scope of this chapter. Here, I survey four countries whose national constitutions advert to the interests of nonhuman animals through text that, by virtue of the words used and/or their mere inclusion in a constitutional document, appears to denote a different legal status for animals than simply the propertied subjects of legislation banning “unnecessary” suffering or its equivalent. As the following discussion reveals, constitutional provisions in Switzerland, Germany, Brazil, and India have challenged (to varying degrees) legal species boundaries through initiatives seeking to: (1) distinguish animals from things, (2) recognize nonhumans’ dignity, (3) grant animals personhood, and (4) establish animals as subjects of compassion.<sup>6</sup> These international developments signal a legal sensibility that animals are living beings entitled to some measure of respect. They each ruffle the normative presumption that animals are simply property. The attention to animals and the framing of their interests in non-commodifying language transcend the normal anti-cruelty yet property paradigm and are thus significant.

The primary purpose of this chapter is to discern whether these constitutional provisions have resulted in substantive legal change for animals in terms of displacing the traditional property regime to which animals are subject and controlled. To put it into terminology initiated by Francione, this chapter asks whether the constitutional provisions are corroded by welfarist premises or whether they have actually resulted in abolitionist ends for animals in some contexts (i.e., altering their propertied status in favour of personhood or its equivalent or prohibiting a certain use of animals altogether).<sup>7</sup> As I argue below, because almost all of these initiatives have been interpreted through an anthropocentric lens they have had limited substantive impact; where the constitutional provisions have informed litigation or legislative reform the resulting changes, if any, have occurred at a symbolic level. The underlying welfarist cultural milieu influencing the interpretation of these constitutional texts dilutes their potential to favour animals. They thus co-exist comfortably within a welfarist paradigm for animals in their jurisdictions, generating legal interventions to reduce suffering rather than seriously question the commercial and instrumental use of animals. Demonstrating these

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<sup>4</sup> Ibid.

<sup>5</sup> Francione, “Animals,” 125–126; Maneesha Deckha, “Welfarist and Imperial: The Contributions of Anti-Cruelty Legislation to Civilizational Discourse,” *American Quarterly* 65, no. 3 (2013): 515, 519–520.

<sup>6</sup> Egypt added an animal-protective article to its new Constitution in 2014. Its text enshrines classic welfarist language regarding “humane treatment of animals.” Article 45 reads:

<sup>7</sup> Francione, “Animals,” *supra* n. 2.

limits in both European and non-European jurisdictions fulfils a secondary purpose of this chapter: it enables a comparison that combats the dominant representation of European (read Western) nations as superior to non-European (read non-Western) nations with respect to the treatment of animals. This is a representation that contributes to imperial lines of thinking and harms the animal advocacy movement. The analysis that follows contests this representation.

Part II of this chapter profiles the provisions in the Swiss and German Constitutions about animals. It explains the provisions' genesis as well as their inability thus far to procure an abolitionist endpoint for animals due to anthropocentric interpretation. Part III of this chapter switches focus to the non-European context of Brazil and India to explain the developments that have occurred pursuant to their constitutional provisions. This section also shows how Brazilian and Indian animal constitutional law confirm Francione's welfarist thesis. The discussion here further points out, however, that when these jurisdictions are contrasted with the European ones canvassed in Part I, it is difficult to assert that the European nations are better for animals or more progressive.<sup>8</sup> Both parts, in charting the promise and problematics of constitutional law provisions in other countries that allude to a non-property status for animals, also highlight the ways in which human markers of difference, specifically race and religion, have factored into the rationales for some of the constitutional developments in relation to animals that have occurred. This component to the analysis assists in engaging the question of how assertions about "progress" in animal law in different countries is implicated in contemporary colonial logics of civilization.

## **Part I: Constitutional hopes and disappointments — the persistence of legal welfarism**

Doubtless, a highly affirming legal acknowledgement of a group's subjectivity occurs when a nation's constitutional documents refer to the rights of and protections for that group or the markers of social difference on which that group identity relies. Many liberal constitutions do this for marginalized human groups in their equality guarantees. The Canadian Constitution, for example, expresses a commitment to substantive equality for a variety of marginalized human groups under Section 15 of the Canadian Charter of Rights and Freedoms.<sup>9</sup> Similar to the USA, however, at no moment does

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<sup>8</sup> Two texts, *A Worldview of Animal Law* (Durham, NC: Carolina Academic Press, 2011) by Bruce A. Wagman and Matthew Liebman and *Globalization and Animal Law: Comparative Law, International Law and International Trade* by Thomas Kelch (Alphen aan den Rijn: Kluwer Law International, 2011), have helpfully canvassed international laws of significance and the discussion below uses these works as touchstone texts but also expands on their analysis.

<sup>9</sup> Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being schedule B to the Canada Act 1982 (UK), 1982, c 11 at s 15. This constitutional principle was first recognized by the Supreme Court of Canada in *Law Society British Columbia v Andrews*, [1989] 1 SCR 143 at 25–34.

the Canadian Constitution affirm the subjectivities or interests of animals. Although this non-recognition is certainly the hegemonic one globally, roughly a dozen countries currently make positive reference to animals in their national constitutions in various provisions, thereby codifying a spectrum of rights for animals and responsibilities to them on the part of the government and citizens.<sup>10</sup> Of these, four are most often cited for their significance in national politics and the scope of their provisions relating to nonhumans: Switzerland, Germany, Brazil, and India.<sup>11</sup> It is worth restating that the everyday situation for animals in these countries is no better than elsewhere – they are still legally treated as property with all that designation entails. Nonetheless, inclusion of nonhumans in a constitution is a significant symbolic step towards re-positioning animals from exploited property to respected beings. It also has the potential to generate animal-friendly jurisprudence. A survey of the forms of this inclusion offers a point of entry for appreciating the shift in legal standing of nonhumans that constitutional recognition can precipitate as well as the limits to the expanse of such progressive text due to conservative interpretation. The discussion turns to two jurisdictions, Switzerland and Germany, to illustrate both effects.

## Switzerland

Switzerland was the first European country to include animal protective measures in its Constitution.<sup>12</sup> The Swiss Constitution includes two provisions that address the duty of the Swiss Confederation towards nonhumans. One mandates protective regulation of practices of animal exploitation, such as experimentation and slaughter, and thus can be characterized as welfarist in nature. It reads:

The Confederation shall legislate on the protection of animals. It shall in particular regulate: (a) the keeping and care of animals; (b) experiments on animals and procedures carried out on living animals; (c) the use of

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<sup>10</sup> Countries here include Bulgaria, the People's Republic of China, the Iroquois Nations, the Independent State of Papua New Guinea, the Slovak Republic, Slovenia, and the kingdoms of Nepal and Cambodia: James R. May, "Constitutional Fundamental Environmental Rights Worldwide." *Pace Environmental Law Review* 23 (2005–2006): 113, 152, 155, 164, 170, 172–173, 176. As mentioned earlier, Egypt joined this group in 2014. There has also been a proposal to amend the Italian constitution to include the following: "The Republic protects the requirements, in matter of welfare, of animals as sentient beings." Annamaria Passantino, "Companion Animals: An Examination of Their Legal Classification in Italy and the Impact on Their Welfare." *Journal of Animal Law* 4 (2008): 59, 73.

<sup>11</sup> Wagman and Liebman, *Worldview*, supra n. 8 and Kelch, *Globalization*, supra n. 8. The constitutions discussed in this article were selected for this reason.

<sup>12</sup> Margot Michel and Eveline Schneider Kayasseh, "The Legal Situation of Animals in Switzerland: Two Steps Forward, One Step Back – Many Steps to Go." *Journal of Animal Law* 7 (2011): 1, 3.

animals; (d) the import of animals and animal products (e) the trade in animals and the transport of animals; (f) the slaughter of animals.<sup>13</sup>

This section demonstrates classic anti-cruelty sensibility towards animals, focusing on the need to regulate their otherwise acceptable uses. There is nothing too disruptive here to normalized human-animal relations. It is through the second constitutional reference to animals that Switzerland has earned a reputation for being progressive in the area of animal rights, namely Article 120(2) entitled “Non-human gene technology.”<sup>14</sup> Known as the “dignity of the creature” provision,<sup>15</sup> Article 120(2) is a product of a 1992 amendment to the Constitution that came into effect through a national referendum.<sup>16</sup> It reads:

Human beings and their environment shall be protected against the misuse of gene technology. The Confederation shall legislate on the use of reproductive and genetic material from animals, plants and other organisms. In doing so, it shall take account of the dignity of living beings as well as the safety of human beings, animals and the environment, and shall protect the genetic diversity of animal and plant species [emphasis added].<sup>17</sup>

Switzerland’s is the only Constitution that explicitly refers to the “dignity” of non-humans; in fact the use of this term in its constitutional architecture goes back to 1980.<sup>18</sup> The reason “dignity” for nonhuman living beings is constitutionally recognized in the context of genetic engineering has to do with the underlying political situation that acted as the conduit of public support for the constitutional amendment. Erin Evans explains how animal advocates succeeded in getting this amendment approved by presenting “animal research as an integral component of unpopular GM foods.”<sup>19</sup> While this specific political catalyst to Article 120(2) does not diminish the significance of the outcome attained – promoting the dignity of nonhuman creatures in the Constitution – it does signal that general public support to substantively alter and improve the legal situation of animals did not motivate the amendment.

At the same time, that an anthropocentric health scare about genetically modified foods generated the amendment does not appear to restrict its scope to only this food-related area of human intervention in animal lives. Subsequent judicial consideration

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<sup>13</sup> Constitution Fédéral de la Confédération Suisse, April 18, 1999, SR 101, art 80 (“Swiss Constitution”).

<sup>14</sup> Erin Evans, “Constitutional Inclusion of Animal Rights in Germany and Switzerland: How Did Animal Protection Become an Issue of National Importance?” *Society and Animals* 18, no. 3 (2010): 231, 239.

<sup>15</sup> Michel and Kayasseh, “Animals in Switzerland,” *supra* n. 12, at 3.

<sup>16</sup> *Ibid.*

<sup>17</sup> Swiss Constitution, *supra* n. 13, art 120(2).

<sup>18</sup> Evans, “Constitutional Inclusion,” *supra* n.14, 239.

<sup>19</sup> *Ibid.*, 241.



of the term has declared Article 120(2) to be a constitutional principle that must be adverted to in all matters affecting animals.<sup>20</sup> Yet, as Margot Michel and Eveline Schneider Kayasseh note in their review of how the Swiss legal landscape for animals has changed due to the constitutional provision and related dignity developments for animals, interpretively, the precise meaning of “dignity” and the behavioural standards it sets for humans are still unsettled.<sup>21</sup> For one, it is unclear whether the principle of “dignity of the creature” refers to respect for the intrinsic value of individual beings or for species as a group.<sup>22</sup> The authors also point out that non-direct translations between French and German versions of the amendment also impose definitional ambivalence on what “dignity” means.<sup>23</sup> Perhaps most significantly, however, there is no consensus that “dignity” when applied to nonhumans connotes the same non-instrumentalist protection (i.e., the shield against utilitarian treatment) that it does when applied to humans under the Constitution.<sup>24</sup>

Further juridical and policy engagement with the concept has also failed to achieve a clear interpretation. The constitutional amendment aimed at the “dignity of the creature” sparked a wider conversation about the dignity of animals that was most prominently taken up in the report published by the Swiss Federal Ethics Committee on Non-Human Biotechnology (established by government) and the Swiss Committee on Animal Experimentation (established within academia, specifically as a committee of the Swiss Academies of Arts and Sciences), entitled Dignity of Animals (“Report”).<sup>25</sup> The Report advanced a definition of the term that resisted the anthropocentric interpretive arguments that had suggested dignity for nonhumans had a different and specifically diluted meaning than dignity for humans. In defining what “dignity” means, the Report states: “We disregard an animal’s dignity if we fail to make the possibility of violation the subject of an evaluation of interests, i.e. if we give it no consideration and take it for granted that human interests take precedence.”<sup>26</sup> Recalling the discus-

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<sup>20</sup> Michel and Kayasseh, “Animals in Switzerland,” *supra* n. 12, 3.

<sup>21</sup> *Ibid.*, 4–7, 9–11.

<sup>22</sup> *Ibid.*, 4.

<sup>23</sup> Michel and Kayasseh, “Animals in Switzerland.” The German version of the statute uses the phrase “Wurde der Kreatur.” However, the French version changed from “dignité de la creature” to “intégrité des organismes vivantes,” during an overhaul of the Federal Constitution; this change was not done through a legislative decision to make a change. The term “integrity” from the French version and the term “dignity” from the German version were declared to not have the same meaning by the Federal Ethics Committee on Non-Human Biotechnology (ECNH), because “not every encroachment on a living being’s integrity is an injury inflicted on that being’s dignity” (4).

<sup>24</sup> Michel and Kayasseh, “Animals in Switzerland,” 6–7.

<sup>25</sup> *Ibid.*, *supra* n. 12, 1.

<sup>26</sup> Swiss Ethics Committee on Non-Human Gene Technology and Swiss Committee on Animal Experiments, *The Dignity of Animals* (2005) online at [www.ekah.ch/en/topics/dignity-of-living-beings/index.html](http://www.ekah.ch/en/topics/dignity-of-living-beings/index.html) at 3. The vocabulary of the Swiss amendment has been central to the debate: the original German version was translated into French as “integrity” and English as “dignity.” In addition to this confusion, the very notion of dignity has been questioned, with some arguing that in order to maintain consistency, as required by the norms of statutory interpretation, “dignity” of the human and of the

sion of legal welfarism earlier, it is clear that this novel questioning of the balancing of interests (i.e., contemplating the idea that human interests could be secondary to those of animals) is radically different from how animal interests are typically “balanced” in law.

The Report’s promotion of a non-utilitarian understanding of dignity for animals, however, did not receive legal expression. Although the Report eventually culminated in an overhaul of the Swiss Animal Protection Act in 2008, this statute defined dignity in a legally welfarist fashion:

Inherent worth of the animal that has to be taken into account when handling it. If any stress imposed on the animal cannot be justified by overriding interests, this constitutes a disregard for the animal’s dignity. Stress is deemed to be present in particular if pain, suffering or harm is inflicted on the animal, if it is exposed to anxiety or humiliation, if there is major interference with its appearance or its abilities or if it is excessively instrumentalised.<sup>27</sup>

The provision here displays a paradoxical desire in that it refers to dignity as conferring a rights type of protection, but also clearly states that despite having dignity, animals are amenable to a cost-benefit calculation. However, the Act is distinctive from typical animal protection statutes as it defines harm more broadly than just physical and psychological accounts by including under the ambit of “stress” humiliation and aesthetic interference. Yet, similar to the dynamic of welfarist legislation, it would appear to permit animal interests to be trumped by “overriding interests” – subsequently interpreted in the jurisprudence to mean a “preponderance of (human) interests” – despite the stress that is placed on valuing animals for their own sake when it is justifiable according to human perceptions.<sup>28</sup> Michel and Eveline observe that while the overhaul of the statute resulted in much greater attention to and stipulation of animals’ social and behavioural needs in everything from animal research to companion animal-keeping than its predecessor or animal welfare statutes in general, respecting animals’ dignity does not require the abolition of routine animal uses such as research and industrialized farming.<sup>29</sup>

This reading of the statute – that it allows for the trumping of animal interests despite its aspirational animal-centred language – prevailed in the first two cases centred on the meaning of “dignity” in the Act that reached the Swiss Federal Supreme Court.<sup>30</sup> The Court, in a tacit expression of ambivalence, recognized that animals may

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nonhuman must be understood as the same, while others view this as fundamentally impossible. Michel and Kayasseh, “Animals in Switzerland,” 4–9.

<sup>27</sup> 455 Tierschutzgesetz vom 16. December 2005 (TSchG), art 3(a).

<sup>28</sup> Michel and Kayasseh, “Animals in Switzerland,” *supra* n. 12, 11, 14.

<sup>29</sup> *Ibid.*, 13.

<sup>30</sup> *Ibid.*, 10.

be regarded as beings of equal stature to humans at certain times, but their dignity interests are not equivalent to those of humans.<sup>31</sup> This ambivalence aptly captures the state of animal welfare law in Switzerland: a position that was established to closely monitor the treatment of animals has become a localized and contextual concept for animals in a way that it is not for humans.<sup>32</sup> Thus, while it is very plausible to argue that in comparison to other countries “[t]he Swiss public is actively engaged in questions of animal protection”<sup>33</sup> and that the existence and breadth of the debate are promising,<sup>34</sup> this comparative advantage does not erase the reality that the legal situation for animals in not being exploited has not altered.

What has shown more promise, however, are developments in private law stemming from a declaration that entered the Swiss Civil Code in 2003 stipulating that animals are not things.<sup>35</sup> The declaration in Article 641a specifically states that “Animals are not objects. Where there are not special regulations for animals, the provisions for objects apply.”<sup>36</sup> This provision has generated positive and substantive impacts in the private law areas of torts, wills and estates, and family law.<sup>37</sup> What accounts for this substantive difference between the constitutional and animal protective dignity-related changes and the private law ones related to animals’ non-thinghood? Is a declaration about non-thinghood semantically and substantively more powerful than dignity? Not really. What explains the difference in outcomes is the willingness of jurists to interpret legal text more favourably for animals in a context where the owner’s and animal’s interest are aligned rather than at odds. Tellingly, the developments stemming from the insertion into the Civil Code that animals are not objects relate to companion animals. Positive impacts have been achieved in areas of the law where the law facilitates the owners’ general desire to not objectify their animals, i.e., where the animals in question are companions/family members.<sup>38</sup>

For example, the stipulation that animals are not objects has permitted courts to transcend traditional principles in torts where animals are maimed or killed that restrict damages to restoration of the fair market value of animals; owners are now able to claim for non-pecuniary loss to compensate for the loss of emotional compan-

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<sup>31</sup> Ibid.

<sup>32</sup> Michel and Kayasseh, “Animals in Switzerland,” 15.

<sup>33</sup> Ibid., 2. Note, however, the setback to animal advocacy efforts corresponding to the constitutional text in that the referendum result to establish “Attorney for Animal protection in Criminal Affairs” ended with the total abolishment of this office (Michel and Kayasseh, “Animals in Switzerland,” 18–19).

<sup>34</sup> For a fuller discussion on the legal ramifications of this amendment, see generally Antoine F. Goetschel, “Animals Welfare Legislation in Switzerland” (2002) Foundation for the Animal in the Law, online: [www.tierimrecht.org/en/artikel/animal-welfarelaw-ch.php](http://www.tierimrecht.org/en/artikel/animal-welfarelaw-ch.php).

<sup>35</sup> The 1992 constitutional amendment served as a precursor for the 2002 referendum that resulted in the change to the Civil Code. See Kelch, Globalization, *supra* n. 8, at 284.

<sup>36</sup> 210 Swiss Civil Code of 10 December 1907, at art 641a, retrievable at [www.admin.ch/ch/e/rs/2/210.en.pdf](http://www.admin.ch/ch/e/rs/2/210.en.pdf) (last visited July 30, 2013).

<sup>37</sup> Michel and Kayasseh, “Animals in Switzerland,” *supra* n. 12, 1.

<sup>38</sup> Michel and Kayasseh, “Animals in Switzerland,” 24. See Art 43 CO para. 1.

ion.<sup>39</sup> The non-thinghood of animals also permits courts to decide the matter of with whom animals should live upon separation or divorce of their previous owners based on the animals' best interests rather than traditional principles of matrimonial property division.<sup>40</sup> Similar to family law where there are two emotionally related humans fighting over who keeps the animal, in the case of inheritance law where there may be two or more heirs seeking to divide the inherited property, the best interests of the animals prevail as the measure of who will become the new owner where animals are bequeathed.<sup>41</sup> It has also become easier for owners to provide for their animals (companion or not) in their wills and have that expression of care enforced.<sup>42</sup>

Apart from these gestures to recognize the emotional value that human owners have towards their (mostly) companion animals, the declaration that animals are not objects has not altered the property status for companion animals nor has it impugned the anthropocentric balancing of non-companion animals' interests vis-à-vis interests of animals' owners.<sup>43</sup> As with the debates over what dignity for animals means in the Swiss Constitution, the scope for the potentially revolutionary constitutional and legislative text is curtailed by anthropocentric interpretation. As Michel and Eveline conclude from their study of the overall current Swiss legal landscape, Switzerland has "many more steps to go" before its symbolic commitments to recognizing the value that animals have in and of themselves translate into meaningful substantive reform against their routine use.<sup>44</sup>

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<sup>39</sup> Michel and Kayasseh, "Animals in Switzerland," 23–26. See Art 43 CO para. 1 and Art 49 Swiss CO (as cited in Michel and Kayasseh, 24–26).

<sup>40</sup> Michel and Kayasseh, "Animals in Switzerland," 29–32. See Art 651a Swiss CC

<sup>41</sup> Michel and Kayasseh, "Animals in Switzerland," 31, 37. See Art 651a Swiss CC and Art 653 Swiss CC ("If several persons bound together into a community by legal provision or contract own an object by virtue of that community, they are joint owners and the rights of each joint owner attach to the whole object"). As cited in Michel and Kayasseh, "Animals in Switzerland," 31, 37.

<sup>42</sup> Michel and Kayasseh, "Animals in Switzerland," 37–40. See Art 653 et seq Swiss CC, Art 651a Swiss CC, Art 482 para. 1 ("The testator may attach burdens or conditions to the disposition, the fulfilment of which may be requested by any interested party once the disposition becomes effective") and 4 ("If an animal receives a bequest by testamentary disposition, this disposition is deemed to be a burden by which the animal must be cared for according to its needs.") Swiss CC, and Art 80 et seq Swiss CC ("A foundation is established by the endowment of assets for a particular purpose") as cited in Michel and Kayasseh, "Animals in Switzerland," 37–40.

<sup>43</sup> Michel and Kayasseh, "Animals in Switzerland," 20, 41–42.

<sup>44</sup> Michel and Kayasseh, "Animals in Switzerland," 41–42.

## Germany

Like Switzerland, the German Civil Code also includes the statement that “[a]nimals are not things.”<sup>45</sup> Further, the German Constitution was similarly amended in 2002;<sup>46</sup> Article 20a (Protection of the Natural Foundations of Life and Animals) now reads:

Mindful also of its responsibility toward future generations the state shall protect the natural foundations of life and animals by legislation and, in accordance with law and justice, by executive and judicial action, all within the framework of the constitutional order.<sup>47</sup>

The impact of Germany’s constitutional amendment is equivalent in most respects to Switzerland’s. Protection for animals is now included as part of the national law imposing a duty on government to consider the impact of human activities on sentient animals in all areas of lawmaking and to respond to violations.<sup>48</sup> The legislative intent behind the constitutional amendment was to reduce animal suffering but not to create rights for nonhumans.<sup>49</sup> The interpretation the amendment has thus far received coheres with this intent. The constitutional provision that added protection for life with the phrase “and animals” has thus far activated only welfarist legal responses though there is interpretive room in the text to counter this reading.<sup>50</sup> Nonhumans could theoretically receive protection on a level with human rights although such an interpretation has not yet emerged.<sup>51</sup>

In comparing the situation for animals before and after the German constitutional amendment, Claudia E. Haupt explains that before the amendment, despite one inter-

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<sup>45</sup> The Austrian Civil Code contains a similar provision. Kate M. Natrass, “...Und Die Tiere: Constitutional Protection for Germany’s Animals,” *Animal Law Review at Lewis & Clark School* 10 (2004): 288.

<sup>46</sup> Natrass, “Und,” 283.

<sup>47</sup> Emphasis added. The words “and the animals” were added in 2002: Artikel 20A GG.

<sup>48</sup> Sabine Lennkh, “The Animal: A Subject of Law: A Reflection on the Aspects of the Austrian and German Juridical Systems,” *International Journal for the Semiotics of Law* 24, no. 3 (2011): 307, 318.

<sup>49</sup> Kelch, *Globalization*, supra n. 8, 271.

<sup>50</sup> *Ibid.*, 276. The text was only one of, arguably stronger, proposals. For example, the Social Democratic Party, in coalition with the Green party, put forward the following proposal for the amendment: “Animals will be treated as fellow creatures. They will be protected from inappropriate containment, avoidable suffering, and in their natural habitat.” Natrass, “Und,” supra n. 45, 296. While the balancing terminology (“inappropriate” and “avoidable”) is a nod to standard welfare legislation, the first part of this proposal is certainly stronger than the final amendment.

<sup>51</sup> Evans, “Constitutional Inclusion,” supra n. 14, 238–239; Wagman and Liebman, *Worldview*, supra n. 8, 267. Wagman and Liebman provide an analysis of the conflict this constitutional protection creates with other human rights such as freedom to conduct research (267–270). They also, in forecasting the potential effects of this development in the research arena, state that “given the focus on animal welfare, the amendment should at least place a more direct focus on animal interests in devising and examining research protocols” (268–269); “[d]espite the constitutional amendment, the most likely reconciliation of the issues will be that biomedical research will continue as it did before the constitutional amendment.”

pretation viewing animals as protected under the right of human dignity, the courts found that animals were not protected at all under the constitution.<sup>52</sup> Haupt goes on to argue that even after the amendment, “[t]he anthropocentric character of the Constitution had not changed.”<sup>53</sup> The difference the amendment makes, according to Haupt, is that now an animal’s interest in not suffering will be considered whereas it wasn’t before, but ultimately it will be weighed against other constitutionally protected values such as (human) freedom of religion.<sup>54</sup> Although it may be observed that human rights are also balanced against each other, there is no barrier to the type of bodily harm that animals may have to endure if the balancing of interests so dictates. Indeed, the amendment has not prevented animals from being killed for the typical array of human purposes. Thus, despite its prominent place in the country’s most important document, the welfarist interpretation severely undermines the impact of Article 20a.<sup>55</sup>

As with the Swiss constitutional change understanding what led to the German constitutional amendment in the first place helps to explain the thwarted interpretation it has received. To this end, information about the “Slaughter Decision”, as it is often called, that preceded the amendment is instructive.<sup>56</sup> This previous litigation involved the issue of Halal slaughter and whether the practice of killing animals for consumption without stunning them first violated anti-cruelty provisions. The German court answered in the affirmative, holding that as long as the necessary permit was received a butcher could kill an animal without stunning to abide by Muslim religious rules; the act did not constitute cruelty towards the animal since freedom of religion and occupation protected this ability.<sup>57</sup> The negative mainstream public reaction to the

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<sup>52</sup> Claudia E. Haupt, “Free Exercise of Religion and Animal protection: A Comparative Perspective on Ritual Slaughter,” *George Washington International Law Review* 39, no. 4 (2007): 839, 869 [Haupt, *Free Exercise*].

<sup>53</sup> *Ibid.*, 870.

<sup>54</sup> *Ibid.*, 872. For an example of a constitutional case regarding animals, in this case dogs, that occurred after the amendment, see generally Claudia E. Haupt, “Who Let the Dangerous Dogs Out? The German States’ Hasty Legislative Action, The Federal Law on Dangerous Dogs and the ‘Kampfhunde’ Decision of the Federal Constitutional Court.” *Journal of Animal Law* 2, no. 27 (2006): 27–48. In answering the question of whether breed-specific bans on breeding and importing dogs are constitutional, questions of human and property rights took up the majority of the space in the discussion. *Ibid.*

<sup>55</sup> Speaking at a conference entitled “Constitutional and Legislative Aspects of Animal Welfare in Europe” in 2007, Dr Gieri Bolliger spoke to the obligations that flow from Germany’s constitutional recognition of animals: “To meet the obligation of protecting and looking after the welfare of animals, a national legislature is thus urged to enact restrictive animal welfare regulations and to create suitable structures and means to guarantee the enforcement of these standards.” From this perspective, then, amending the constitution to include animals may have the effect of strengthening a welfare framework, rather than challenging the property paradigm. Gieri Bolliger, “Animal Welfare in Constitutions” (2007) *Tier Im Recht* online: [www.tierimrecht.org/en/artikel/the\\_foundation\\_for\\_the\\_animal\\_in\\_theLaw\\_reports\\_at\\_the\\_international\\_animal\\_welfare\\_in\\_europe\\_conference](http://www.tierimrecht.org/en/artikel/the_foundation_for_the_animal_in_theLaw_reports_at_the_international_animal_welfare_in_europe_conference)

<sup>56</sup> 1 BvR 1783/99 (2002).

<sup>57</sup> Kelch, *Globalization*, *supra* n. 8, 275–276. The court found that the Animal Protection Act (under which the butcher had been denied a permit) was constitutionally valid. However, the statute must be read in light of the applicant’s right to develop their personality and freedom of religion. The

case expedited the enactment of the constitutional amendment.<sup>58</sup> What this context reveals is that, as in Switzerland, concern for animals was not the only catalyst for constitutional recognition of animals. Yet, unlike the Swiss context where anxiety over genetically modified organisms in the food supply served to galvanize constitutional change, in the German context it was anxiety over accommodation of the racialized Muslim fomented by the “Slaughter Decision” that catalysed public and government support in favour of some sort of constitutional acknowledgement of animals.<sup>59</sup>

The “Slaughter Decision” invites an intersectional contemplation of how heavily race, religion, and culture can shape animal legal reform because of the potency of animals and animal issues to demarcate differences between human cultures and religions as well as inspire postcolonial ideologies about race, immigration, and xenophobia.<sup>60</sup> It is unlikely the animal advocacy movement would have been able to singularly mobilize support for the amendment without the racialized religious tension that enveloped the issue. Instead of representing a widespread belief that humans and nonhumans deserve equal and constitutional consideration as sentient beings, the amendment is a product of inter-human conflict that turned on postcolonial racialized anxieties about Muslims.<sup>61</sup> Without a sustained commitment to interrogate and cease majoritarian uses of animals, any efforts to affirm the dignity of animals through instituting legal recognition of their status as fellow beings produce no normative effect on mainstream uses and industries.

The changes to Germany’s Civil Code have also had an underwhelming effect despite the aspirational language of the codification. Through Section 90a of the Civil Code Germany has declared that animals are not things. The specific provision reads:

Animals are not things. They are protected by special statutes. They are governed by the provisions that apply to things, with the necessary modifications, except insofar as otherwise provided.<sup>62</sup>

As Sabine Lennkh notes in her discussion of this acknowledgement of the sentience of other animals, its scope is severely limited absent specific regulations. It has not exerted any weight in negating the property status of animals in Germany and the

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result was that the Act was left intact and the butcher received his permit. The Constitutional Court’s “Traditional Slaughter” Decision: The Muslims’ Freedom of Faith and Germany’s Freedom of Conscience, *German Law Journal* online: [www.germanlawjournal.com/index.php?pageID=11&artID=128](http://www.germanlawjournal.com/index.php?pageID=11&artID=128) (2002).

<sup>58</sup> Christine Langenfeld, “Developments: Germany.” *International Journal of Constitutional Law* 1, no. 1 (2003): 141, 146.

<sup>59</sup> *Ibid.*

<sup>60</sup> Banu Subramaniam, “The Aliens Have Landed! Reflections on the Rhetoric of Biological Invasions.” *Meridians* 2, no. 1 (2001): 26, 28.

<sup>61</sup> For more on why concerns about Muslim integration into European and other Western spaces should be understood as shaped by racial ideologies as well as religious ones, see Steve Garner and Saher Selod, “The Racialization of Muslims: Empirical Studies of Islamophobia.” *Critical Sociology* 41, no. 1 (2015): 9.

<sup>62</sup> German Civil Code, *Bürgerlichen Gesetzbuch*, s 90a.

ability of owners to use animals for their purposes so long as they abide by animal welfare laws.<sup>63</sup> Germany's Animal Protection Act provides protection for all animals on the basis of their status as fellow beings.<sup>64</sup> It, too, subjects animals' interest to a utilitarian calculus; animals may be harmed if there is a "sound reason" to do so.<sup>65</sup> As in Switzerland, the German affirmation of the sentience and non-thinghood of animals has only helped animals' triumph over subordination to human interests in the companion animal context, where the interests of human and owner are harmonious and the law seeks to respect relational affective bonds between interspecies family members.<sup>66</sup>

## Part II: Constitutional initiatives outside of Europe – resisting imperial representations

If we look to constitutional texts in favour of animals outside of Europe, we can also observe the persistence of legal welfarism in corralling the potential of these provisions to lead to widespread substantive reform. We also witness, however, concerted legal action advancing a personhood theory for animals as well as juridical instances of empathy for animals and even constitutional provisions that truly transcend legal welfarism. My purpose in this part is not to suggest that these nations fare better than European ones in their progress on animal law or how they treat animals. Instead, I present these examples from Brazil and India to contest the converse proposition and push back against the imperial discourse that non-European nations are behind European ones when it comes to animals.

Such arguments, intentional or not, operate today when the European Union's or individual European countries' initiatives on animals are invoked to assert their advanced position vis-à-vis other nations<sup>67</sup> or where attitudes prevail that while things may be bad for animals here (meaning a Western geopolitical space), that they are much worse in non-Western countries.<sup>68</sup> Just as a "common sense" mindset prevails

<sup>63</sup> Lennkh, “Animal,” *supra* n. 48, 314–315.

<sup>64</sup> Ibid., 312. This is not to say that the German penal provisions do not include some novel and progressive aspects as to how humans must comport themselves in certain situations where they have harmed animals.

<sup>65</sup> Lennkh, “Animal,” 337.

<sup>66</sup> Lennkh discusses the areas of torts, inheritance, family, and debt enforcement law (315–317).

<sup>67</sup> Patsy Moy, “Call for Law to Ban All Sales of Cosmetics Tested on Animals; Anti-Cruelty Campaigners Want City to Following Europe’s Lead and Set Example to Mainland.” South China Morning Post, November 19, 2012. [www.lexisnexis.com.ezproxy.library.uvic.ca/hottopics/lnacademic/?verb=sr&csi=11314&sr=HLEAD\(Call%20for%20law%20to%20ban%20sale%20of%20all%20cosmetics%20tested%20on%20cruelty%20campaigners%20want%20city%20to%20follow%20Europe’s%20lead%20and%20set%20example%20to%20mainland%20to%20get%20tough%20to%20protect%20animals%20winipeg%20free%20press%20august%2021%202012%20a6%20http://search.proquest.com.ezproxy.library.uvic.ca/docview/1034417020](http://www.lexisnexis.com.ezproxy.library.uvic.ca/hottopics/lnacademic/?verb=sr&csi=11314&sr=HLEAD(Call%20for%20law%20to%20ban%20sale%20of%20all%20cosmetics%20tested%20on%20cruelty%20campaigners%20want%20city%20to%20follow%20Europe’s%20lead%20and%20set%20example%20to%20mainland%20to%20get%20tough%20to%20protect%20animals%20winipeg%20free%20press%20august%2021%202012%20a6%20http://search.proquest.com.ezproxy.library.uvic.ca/docview/1034417020)). “Get Tough to Protect Animals, Winnipeg Free Press, August 21, 2012, A6, <http://search.proquest.com.ezproxy.library.uvic.ca/docview/1034417020>.

<sup>68</sup> A listserv of animal law instructors yielded an illustrative exchange. In response to a story circulated by one member about citizens who saved cats in China following a crash of a vehicle where



that Western countries treat women better than non-Western ones,<sup>69</sup> so, too, assumptions exist that animals fare worse under cultural regimes of non-Western countries.<sup>70</sup> This assumption is transparent in the query “Whether Multiculturalism is Bad for Animals?”<sup>71</sup> The question is a take-off from the highly contentious argument first directly articulated by Susan Okin that promoting multiculturalism in Western societies and thus group cultural rights for minoritized non-Western cultures is risky for women because non-Western cultures are more misogynistic than dominant Western culture.<sup>72</sup> Without the initial sense that non-Western cultures are more harmful to animals than Western ones, the question would not resonate.

This discourse rehearses the colonial logic that took such purported cultural indicators (i.e., the treatment of women and animals) as confirmation of the superior civilizational status of the West.<sup>73</sup> This discourse is unfortunate not only because it

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they were being transported in abysmal conditions where the member prefaced the link to the story intimating the saving of the cats and their original suffering indicated “A culture at odds with itself,” another member responded that “the suffering of cats is normalized within that culture so surprised you are surprised. There are some Chinese animal activists but they face an even more difficult battle in changing popular consciousness than we in the west.” Email exchange on file with author, January 16, 2013. This author has also attended a conference presentation where one presenter ranked countries and regions in the world on a scale of animal law progressiveness; the countries commonly understood to be white and Western were on the top with those socially coded as non-white and non-Western brought up the bottom. For an example of this sentiment in academic scholarship see, Varn Chandola, “Dissecting American Animal Protection Law: Healing the Wounds with Animal Rights and Eastern Enlightenment.” *Wis Environmental Law Journal* 8, no. 3 (2002): 241.

<sup>69</sup> The literature discussing this is extensive. For a particularly instructive short critique, see Lila Abu-Lughod, “Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others.” *American Anthropologist* 104, no. 3 (2002): 783.

<sup>70</sup> Krithika Srinivasan, “The Biopolitics of Animal Being and Welfare: Dog Control and Care in the UK and India.” *Transactions of the Institute of British Geographers* 38, no. 1 (2012): 109–111. The author uses the example of stray dogs to compare the animal welfare laws and treatment of animals in India and the United Kingdom noting that the Indian laws are superior in protecting dogs despite Britain’s reputation otherwise. See also Will Kymlicka and Sue Donaldson, “Animal Rights, Multiculturalism, and the Left,” *Journal of Social Philosophy* 45, no. 1 (2014): 116.

<sup>71</sup> Paula Casal, “Is Multiculturalism Bad for Animals?” *Journal of Political Philosophy* 11, no. 1 (2003): 1.

<sup>72</sup> Susan Okin, “Is Multiculturalism Bad for Women?” *Is Multiculturalism Bad for Women?*, edited by Okin et al. (Princeton, NJ: Princeton University Press, 1999), 7–26. It is important to note that Casal’s does not repeat Okin’s implicit colonial generalizations about non-Western cultures as backward in her extension of Okin’s question to animals. For more on the colonial logics of Okin’s influential essay, see the replies to her lead essay in Okin et al.

<sup>73</sup> On the condition of women as metrics for civilizational progress, see generally Chandra Talpade Mohanty, Ann Russo, and Lourdes Torres, eds. *Third World Women and the Politics of Feminism* (Bloomington: Indiana University Press, 1991); Anne McClintock, *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest* (New York: Routledge, 1995); Uma Narayan, *Dislocating Cultures: Identities, Traditions and Third-World Culture* (New York: Routledge, 1997); Ann E. Towns, “Carrying the Load of Civilisation: The Status of Women and Challenged Hierarchies.” *Millennium* 42, no. 3 (2014): 595. On the condition of animals as a similar metric, see Kathleen Kete, *Animals and Human Empire in A Cultural History of Animals in the Age of Empire* (Oxford: Bloomsbury Publishing, 2006), 3.

is misguided (as I seek to demonstrate below), but also because it infects animal advocacy efforts with a colonial and racist mindset. Adhering to the belief that animals are treated more favourably in Western societies introduces lamentable logics about “backward” cultures and racial hierarchies into an otherwise progressive social justice movement. These logics align the animal movement with regressive nationalist movements in European and other Western nations seeking to close borders to minoritized Others that are cast as backward due to illiberal cultural values perceived as corrosive to Western ideals.<sup>74</sup> Further, this discourse does nothing to combat the whiteness of the mainstream animal advocacy movement in Western countries and, arguably, is harmful to the movement’s appeal in any efforts to recruit or appeal to minoritized, non-Western populations.<sup>75</sup> Indeed, it lies perilously close to the assumption that animal rights is a Western idea, a portrait of the animal advocacy movement that puts off allies in other social movements in the Left from including animals in their social justice horizons for fear of promoting culturally imperialist ideas.<sup>76</sup> For all these reasons, it is important to contest this discourse. Highlighting below how Brazilian and Indian constitutional jurisprudence are equivalent to and may even be said to have surpassed what Switzerland and Germany have been able to achieve with their constitutional texts is meant to contribute to this purpose.

## Brazil

Brazil achieved its constitutional inclusion of animals through an environmental provision added in 1988.<sup>77</sup> By adding a sub-section to the enumerated responsibilities of the government in fulfilling “the duty to defend and preserve”<sup>78</sup> the environment, the Brazilian Constitution now acknowledges the principles of prevention of cruelty towards animals and the preservation of species. Article 225(1)(VII) reads:

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<sup>74</sup> Sarah Bracke, “From ‘Saving Women’ to ‘Saving Gays’: Rescue Narratives and Their Dis/continuities.” *European Journal of Women’s Studies* 19, no. 2 (2012): 237.

<sup>75</sup> For more on the whiteness of the movement, see Breeze Harper, “Race as a ‘Feeble Matter’ in Veganism: Interrogating Whiteness, Geopolitical Privilege, and Consumption Philosophy of ‘Cruelty-Free’ Products.” *Journal for Critical Animal Studies* 8, no. 3 (2010): 5; Maneesha Deckha, “Toward a Postcolonial, Posthumanist Feminist Theory: Centralizing Race and Culture in Feminist Work on Nonhuman Animals.” *Hypatia* 27, no. 3 (2012): 527. For more on the need for the Western animal advocacy movement to be intersectional in orientation, see Lisa Kemmerer, *Sister Species: Women, Animals, and Social Justice* (Chicago: University of Illinois Press, 2011).

<sup>76</sup> Kymlikca and Donaldson, “Animal Rights,” *supra* n. 73, 120–124.

<sup>77</sup> Tagore Trajano de Almeida Silva, “Brazilian Animal Law Overview: Balancing Human and Non-Human Interests.” *Journal of Animal Law* 6, no. 1 (2010): 81, 84–85. Using environmental protection statutes as a point of entry for animal advocates to effect welfare changes for nonhumans occurs outside the constitutional realm as well. See e.g. De Anna Hill, “Combating Animal Cruelty with Environmental Law Tactics.” *Journal of Animal Law* 4 (2008): 19.

<sup>78</sup> Federative Republic of Brazil Constitution, 1988 Constitution with Amendments through 2014 in English, art 225(1)(VII), available at [www.constituteproject.org/constitution/Brazil\\_2014.pdf](http://www.constituteproject.org/constitution/Brazil_2014.pdf).

Everyone has the right to an ecologically balanced environment, which is a public good for the people's use and is essential for a healthy quality of life. The Government and the community have a duty to defend and to preserve the environment for present and future generations. To assure the effectiveness of this right, it is the responsibility of the Government to...protect the fauna and the flora, prohibiting, as provided by law, all practices that jeopardize their ecological functions, cause extinction of species or subject animals to cruelty.<sup>79</sup>

The Brazilian wording is expansive in its ecological vision, but less ambitious than its German and Swiss counterparts in restricting its protective focus for animals to the conventional categories of species extinction and anti-cruelty. It should come as no surprise, then, that the constitutional provision has not abolished the major industrial uses of animals in agriculture, research, or otherwise.<sup>80</sup>

It has, however, given rise to strategic litigation directed at establishing the personhood of animals through the writ of habeas corpus. In 2006, in the case of *Suiça v Dir. of the Bahia State Dept of Biodiversity*,<sup>81</sup> the petitioners applied for a writ of habeas corpus to free Suiça, a chimpanzee, from her cramped caged living conditions at the Getúlio Vargas Zoo in Salvador on the basis that the deficiencies in space compromised her physical and psychological well-being.<sup>82</sup> To support their claim that chimpanzees are persons and thus entitled to have their unlawful detention interrogated through a writ of habeas corpus, the petitioners directly invoked Article 225 of the Constitution. They bolstered their constitutional claim with the argument that chimpanzees have rights to life, liberty, and bodily integrity akin to humans because they are so much like humans. The petitioners marshalled scientific findings about the genetic and other similarities between apes and humans to advance these submissions.<sup>83</sup> As Tagore Trajano de Almeida Silva notes, the case attracted international and domestic attention because of the personhood remedy sought and the kinship theory proposed, a theory now known in Brazil as “extension of human rights for the great apes theory.”<sup>84</sup>

By not dismissing the matter summarily, the Court went against entrenched precedent that established that only humans qualified as persons and thus could be the subject of a writ for habeas corpus.<sup>85</sup> Instead, Justice Da Cruz expressed the opinion

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<sup>79</sup> Ibid. Emphasis added.

<sup>80</sup> de Almeida Silva, “Brazilian,” *supra* n. 77, 88.

<sup>81</sup> For a discussion of this judgement in the larger context of Brazilian law, see Heron Jose de Santana Gordilho, “Wildlife and the Brazilian Abolitionist Movement,” *Journal of Animal Law* 5 (2009): 71. The action was brought on behalf of Suiça by “professors, prosecutors, law students, and protection organizations” (de Almeida Silva 90).

<sup>82</sup> de Almeida Silva, “Brazilian,” 90–91. The petitioners sought to rehouse Suiça in a sanctuary.

<sup>83</sup> Petition for a Writ of Habeas Corpus (2005) 9th Salvador Criminal Court, Salvador, Brazil, n. 833085-3/2005 [“Petition”].

<sup>84</sup> de Almeida Silva, “Brazilian,” *supra* n. 77, 91.

<sup>85</sup> Ibid., 91–91.

that the matter of chimpanzee captivity deserved serious attention – more than it had received heretofore by the Brazilian judiciary – and scheduled a further hearing to receive more submissions after an interval of several days.<sup>86</sup> Sadly, Suíça died at the zoo before the matter was brought to court again, thus precluding an opinion on the “extension of human rights to Great Apes theory” or personhood arguments that the plaintiffs raised. Yet, her case did carry a reverberating effect. Although he dismissed the petition due to Suíça’s death rendering the doctrine of habeas corpus inapplicable, Justice Da Cruz’s empathy for Suíça is transparent as is his conviction that the topic of animal rights her situation raised is a serious issue that should command the ongoing attention of the Brazilian legal community.<sup>87</sup> The case, particularly Justice Da Cruz’s openness to the issues, did just that, sparking a domestic debate among judges, lawyers, legal academics, and the wider public about the moral worth of animals and the legal regard they deserve.<sup>88</sup>

Moreover, as Justice Da Cruz predicted, not long after, in 2008, another strategically launched chimpanzee personhood case came forward, this time about two chimpanzees named Lili and Megh.<sup>89</sup> The outcome here, however, foreclosed the constitutional inscription of personhood for chimpanzees in the reading of Article 225. In this case, the plaintiffs (who were animal lawyers in Brazil) sought to have the Brazilian Institute for Environmental and Renewable Natural Resources transfer Lili and Megh to their previous owner. The federal agency had previously seized the animals due to concerns about irregularities in how their previous owner had acquired them from a private zoo.<sup>90</sup> This case formed part of a series of related lawsuits revolving around both the previous owner’s ability to reclaim his property and the licencing of the private zoo from where the animals came.<sup>91</sup> Due to the ruling of one judge who favoured introducing the chimpanzees to the wild, an outcome that both the federal environmental agency and the previous owner did not want fearing that releasing Lili and Megh into the wild would quickly precipitate their deaths, the previous owner applied for habeas corpus as Lili and Megh’s agent.<sup>92</sup>

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<sup>86</sup> Petition, *supra* n. 83.

<sup>87</sup> The compassion of Judge Edmundo Lucio da Cruz for Suíça is evident when he explains how the chimpanzee’s death affected him. “The news took me by surprise, no doubt causing sadness, as I visited the Ondina Zoo, covertly... and did not perceive any apparent abnormality...” Re-framing the situation in order to motivate the debate, Judge da Cruz states, “I believe that even with Suíça’s death the matter will continue to be discussed, especially in Law school classes, as many colleagues, attorneys, students and entities have voiced their opinions, wishing to make those prevail.” *Ibid.*

<sup>88</sup> de Almeida Silva, “Brazilian,” *supra* n. 77, 91.

<sup>89</sup> Ciméa Barbato Bevilacqua, “Chimpanzees in Court: What Difference Does It Make?” *Law and the Question of the Animal: A Critical Jurisprudence*, edited by Yoriko Otomo and Ed Mussawir (London: GlassHouse Press, 2013), 72.

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.*

<sup>92</sup> Bevilacqua, “Chimpanzees,” 72–73.

As with the submissions in relation to Suíça's application, the argument proposed on behalf of Lili and Megh also harnessed the "extension of human rights to Great Apes theory" emphasizing the genetic similarities that chimpanzees and humans share.<sup>93</sup> Yet, whereas Suíça's application was made to attain legal personhood status for her so that she could live (more) freely in a sanctuary outside the particular captivity of the zoo, given the vagaries of the litigation, the personhood argument advanced in Megh and Lili's case sought an outcome that would deny their liberty. The outcome for Megh and Lili would prevent their release into the wild in order to secure their lives through reintegrating them into their previous owners' world as private property.<sup>94</sup> The case reached resolution with the district judge dismissing the application on the ground that habeas corpus was only available when the applicant was a human being, interpreting the term "anyone" in the constitutional provision providing for this remedy as synonymous with human status.<sup>95</sup> Apparently, the "conflicting provision" of Article 225 protecting animals was not sufficient to permit another reading of the term.

A majority of the Supreme Court of Brazil had been willing to accept Article 225 as a trump, however, against another constitutional provision in the 1997 case of *Animal Defend League & et al vs. Santa Catarina State*.<sup>96</sup> This case concerned a cultural practice known as the Festival of the Oxen, which much like its famous Pamplona counterpart involved a race with participants running ahead of a terrorized bull trying not to get hurt.<sup>97</sup> This practice is controversial as it involves eventual mutilation and death of the bulls.<sup>98</sup> A coterie of animal protection societies brought forth litigation to have the practice banned on the basis that the constitutional provision against cruelty prohibited the practice. After unsuccessful lower court bids, they achieved success at the Brazilian Supreme Court. The state of Santa Catarina had defended the practice as a cultural tradition, arguing that the Constitution's Articles 215 and 216, which impose a state duty on government to guarantee and promote cultural rights, provided constitutional protection for the practice.<sup>99</sup>

Whereas the lower courts agreed with this argument,<sup>100</sup> three out of four justices at the Supreme Court disagreed, finding that the practice was violent and cruel and

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<sup>93</sup> *Ibid.*, 75.

<sup>94</sup> *Ibid.* The case easily demonstrates the dialectic of property/personhood in the law and the curious spaces into which the binary legal system forces unconventional claims in regard to animals.

<sup>95</sup> Bevilaqua, "Chimpanzees," 78.

<sup>96</sup> de Almeida Silva, "Brazilian," *supra* n. 77, 93–96.

<sup>97</sup> *Ibid.*, 93. In the Running of the Bulls each year in Pamplona, Spain, six bulls are released from a holding pen and are driven through a half-mile stretch of the streets into the Plaza de Toros, where the bulls will be a part of the bullfight that evening. For a description of these events, see Erla Zwingle, *Pamplona No Bull*, 37:4 *Smithsonian* 88–94 (2006). During these events, PETA and other animal rights groups have protested the event as being "unnecessary acts of cruelty." See Jacqueline Nelson, "A Bloody Business," *Canadian Business* 83 (2010): 62.

<sup>98</sup> de Almeida Silva, "Brazilian," 94. Wagman and Liebman, *Worldview*, *supra* n. 8, 40.

<sup>99</sup> *Ibid.*, *supra* n. 77, 93–96. Constitution Article 215 states:

<sup>100</sup> de Almeida Silva, "Brazilian," *supra* n. 77, 93.

therefore could not qualify as an appropriate “cultural manifestation” deserving of constitutional protection under Articles 215 and 216. Justice Rezek authored the majority opinion establishing that Article 225 was not a secondary constitutional principle, thus denying the defendant’s submissions that the other constitutional provisions carried more importance and easily trumped the constitutional provision on animals.<sup>101</sup> A few years later the Supreme Court heard similar arguments from the state of Santa Catarina in relation to a permissive cock-fighting statute it had passed.<sup>102</sup> Animal protective societies again launched litigation against the statute on the grounds that it violated the anti-cruelty provisions of Article 225.1.VII.<sup>103</sup> As with the case against the Festival of the Oxen, they were successful in obtaining a ban on cockfighting through the unanimous Court’s reasoning that the practice was violent and could not be justified as a “cultural manifestation.”<sup>104</sup>

What explains the difference between the decisions in the bull-running and cock-fighting litigation and the chimpanzee personhood cases? Why does the constitutional provision lead to a favourable outcome for animals in the first two situations but not in the latter? Recalling the critique of the legally welfarist nature of anti-cruelty doctrine articulated earlier, it may be observed that the same dynamic repeats here in the civil law context. Anti-cruelty provisions, even when elevated to the level of a constitutional principle, do not target majoritarian cultural practices, but only those practised by a non-elite segment of the community. Because of the rationalizing process the concept of cruelty entails (is this practice worth the misery it causes animals?), only those practices that are seen to be trivial (i.e., those without majority support) come across as violations. This reading is bolstered by the fact that the only other concrete animal practice absolutely banned by the Brazilian Constitution is cockfighting<sup>105</sup> – a practice that was once normalized but now transgresses dominant sensibilities of how civilized humans should use animals.<sup>106</sup> Indeed, the prohibition of cockfighting has been de rigeur under most anti-cruelty schemes since the rise of modernist sensibilities about civilized humanity and the need to educate “lower” classes/races seen to be partaking in an undesirable cultural pursuit.<sup>107</sup> The success Brazilian animal advocates enjoyed

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<sup>101</sup> Ibid., 93–94.

<sup>102</sup> Law 11.366/00 of the State of Santa Catarina.

<sup>103</sup> ADI 2.514, Diário da Justiça, 09.12.2005, available at [www.stf.jus.br/arquivo/cms/sobreStfCooperacaoInternacional/anexo/CODICES/CODICESADI2514.pdf](http://www.stf.jus.br/arquivo/cms/sobreStfCooperacaoInternacional/anexo/CODICES/CODICESADI2514.pdf).

<sup>104</sup> Ibid., 99–100.

<sup>105</sup> For a discussion of this litigation, see de Almeida Silva, “Brazilian,” *supra* n. 77, 96–100.

<sup>106</sup> Cock-fighting involves two roosters with metal spurs attached to them who are forced to fight in a ring until one can no longer go on. This practice has varying degrees of support over the world. In the USA it is now illegal, but was legal in two states until 2008. The practice is illegal in most countries in Europe. However, it is still legal in some locations including “Mexico, the Philippines, Guam, Bali, and parts of India and Indonesia. In some countries the cruelty is justified by assertion that it is a part of indigenous peoples’ cultures and therefore should not be considered illegal or inhumane,” Wagman and Liebman, *Worldview*, *supra* n. 8, at 107.

<sup>107</sup> Deckha, “Welfarist,” *supra* n. 2, 520–523.

in the litigation against the Festival of the Oxen also pertains to the cultural realm of uses seen to be of lesser importance, and thus amenable to prohibition without too much societal disruption, than mainstream majoritarian uses that constitute the bulk of the ways in which animal bodies are instrumentalized.

Even the promise that resided in Justice Da Cruz' comments about Suíça and what her case represented is attenuated by the anthropocentric argument at the core of the reasoning. It is no coincidence that the specific species of animals involved in these purported challenges to anthropocentrism are those that science and cultural programming tell us are most like humans. There are many other species of animals who are held captive in Brazilian zoos yet the difference these animals present to the human standard renders them marginal in advocacy for animal legal reform. The subordinated legal status of all animals makes this strategically generated litigation focusing on chimpanzees as "honorary humans" easily comprehensible. Nevertheless, it is not clear that the precedent that animal advocates wish to set with the "extension of human rights to Great Apes theory" will extend as easily to those animals who are not perceived to be close to human beings in genetic makeup, lineage, habits, intellectual life, and appearance.<sup>108</sup>

Ciméa Barbato Bevilaqua notes not only that the Brazilian cases involved chimpanzees who are already generically assigned "honorary" human status in Western societies,<sup>109</sup> a status that the petitioners in Lili and Megh's claim initially sought to endorse by asserting the "quasi-humanity" of the chimpanzees in their submissions, but also that the chimpanzees concerned were raised by humans from an early age.<sup>110</sup> She questions whether a victory in these cases to consider chimpanzees legal persons capable of being the subject of a writ of habeas corpus would have disturbed the existing legal binary between property and personhood or whether the claims to deny animal difference and insistence on human kinship status (culturally and genetically) would have merely reinforced it.<sup>111</sup> Moreover, if cases involving animals perceived to be of "higher level" because of their proximity to humans have not procured results in translating Brazil's constitutional protective provision for animals into abolitionist prohibitions, the likelihood that Article 225 will result in substantive protection for other "lower level" animals appears remote.

This is not to deny that Article 225 has prompted at least some members of the judiciary to signal approval of a non-welfarist understanding towards animals. The Brazilian constitution is considered by some as a model for other countries who strive to protect the environment,<sup>112</sup> describing it as "biocentric" as opposed to anthropocen-

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<sup>108</sup> Ibid., 91.

<sup>109</sup> Marie Fox, "Re-Thinking Kinship: Law's Construction of the Animal Body." *Current Legal Problems* 57, no. 1 (2004): 480, 483.

<sup>110</sup> Bevilaqua, "Chimpanzees," *supra* n. 89, 80–83.

<sup>111</sup> Ibid., 84–85.

<sup>112</sup> Joshua J. Bruckeroff, *Giving Nature Constitutional Protection: A Less Anthropocentric Interpretation of Environmental Rights*, 86 *Tex L Rev* 615 at 635, (2007–2008).

tric,<sup>113</sup> and the chimpanzee and even cockfighting cases discussed above reveal how some courts have considered or adopted a non-welfarist orientation in favour of some animals. Suíça, had it reached the decision stage, may even have generated further momentum in that direction.<sup>114</sup>

One notable case that did achieve this orientation for animals was a 2010 class action lawsuit about the treatment of circus animals known as *Circo Portugal* where the court read Article 225 as ascribing rights to animals (in particular of, “life, liberty” and “physical and psychological integrity”).<sup>115</sup> In recognizing animals as rights-bearing subjects, the court made some remarkable animal-centred pronouncements. Among other preliminary remarks, it affirmed the spirituality and dignity of animals as well as the constructedness of the anthropocentric social view that animals are inferior to humans. The court also stressed the need to imagine humans in reciprocal and respectful relations of solidarity with animals.<sup>116</sup> The court even lamented “the destructive power of human beings.”<sup>117</sup> But perhaps the most remarkable non-welfarist pronouncement came, however, when the court said:

According to the constitutional provision, regardless of any other rule, animals are subjects of rights and, as such, prevails as a magnum principle, the repudiation of any act that demeans or tarnish (sic) the dignity of their lives. Therefore, any offense should be banned and any cruelty repealed. Evil must be extirpated, as the philosopher Tom Regan has stated, and all animal exploitation is intrinsically immoral and violates a natural law: respect.<sup>118</sup>

With this commentary, the court discursively transcends a legal welfarist perspective in three ways. First, it recognizes animals as subjects of rights and holds this legal status to be a higher order principle that protects dignity. Second, the court cites the work of Tom Regan, a leading deontological thinker on animal ethics who believes that animals, as what Regan refers to as “subjects-of-a-life”, deserve rights.<sup>119</sup> Third, the court deems respect for animals a matter of natural law. All of these components affirm the deontological view, diametrically opposed to welfarism, that animals deserve rights. Indeed, these preliminary comments lead to an abolitionist decision: the court

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<sup>113</sup> Ibid., 636.

<sup>114</sup> This case was made possible by the joint efforts of “[p]rofessors, prosecutors, law students, and protection organizations” and as such has figured prominently in the growth of the study of animal law in Brazil. de Almeida Silva, *supra* n. 77, at 90.

<sup>115</sup> Ministério Público Do Estado Da Bahia, *Associação Brasileira Terra Verde Viva E Associação Célula Mãe v. Portugal Produções Artísticas Ltda ‘Circo Portugal’*, 12 July 2010, <http://www.portalseer.ufba.br/index.php/RBDA/article/viewFile/8396/6013>.

<sup>116</sup> Ministério Público, 258.

<sup>117</sup> Ibid., 259.

<sup>118</sup> Ibid., 259–260.

<sup>119</sup> Tom Regan, *The Case for Animal Rights* (Los Angeles: University of California Press: 1983), 243.



disallows the animals' continued captivity in the circus, mandating their immediate transfer to a zoo pending arrangements to release them into their natural habitat.<sup>120</sup>

Such an endpoint is truly remarkable given the normalized legal order for animals otherwise. At the moment, it stands alone as litigation in Brazil that liberates animals from their incarcerated status and propertied relationship. Whether or not the case remains an anomaly remains to be seen.<sup>121</sup> For now, however, we can conclude that Brazil's constitutional provision on animals has resulted in all but one case in the same legal outcome for animals as Switzerland and Germany's provisions. Mostly, the constitutional provision has not given rise to personhood victories or other measures that transcend legal welfarism. The analysis largely affirms Francione's thesis that without a change in animals' property status, other legal measures will succumb to welfarist juridical interpretation and produce outcomes that adhere to welfarist parameters. At the same time that we can witness the global reach of the welfarist paradigm through constitutional animal happenings in Brazil, we can also observe that the litigation that has occurred and the non-welfarist arguments made on behalf of animals rivals, if not betters (if we recall the commentary in the *Circo Portugal* case), the juridical discourse generated in the two European countries discussed earlier. If the existence of animal advocacy and public support for a measure are sufficient to characterize European nations as progressive towards animals even though animals are consumed at very high rates then the same characterization should apply to Brazil and other non-Western nations where such advocacy and support also exist.<sup>122</sup> This should particularly be the case where a country exhibits not only this advocacy and support, but also prominent examples of non-welfarist measures. For such an example we turn to India.

## India

With 448 Articles, the Indian Constitution is the longest in the world and, among other things, provides for many "Fundamental Duties" for "every citizen."<sup>123</sup> These duties address a range of topics including animals. The main provision concerning animals, Article 51(A)(g), as in Brazil, is housed in the clause relating to the environment:

It shall be the duty of every citizen of India... (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures...<sup>124</sup>

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<sup>120</sup> *Ibid.*, 260.

<sup>121</sup> John T. Maher, "Legal Technology Confronts Speciesism, or We Have Met the Enemy and He Is Us." *The Animal Catalyst: Toward Ahuman Theory*, edited by Patricia McCormack (New York: Bloomsbury, 2014), 44.

<sup>122</sup> Scholarship describing European nations as friendly towards animals use these metrics. See e.g. Lennkh, "Animal," *supra* n. 48, 324.

<sup>123</sup> Indian Constitution, Section 51A, Wagman and Liebman, *Worldview*, *supra* n. 8, 262.

<sup>124</sup> Constitution of India, 2011 art. 51(A)(g), available at <http://indiacode.nic.in/coiweb/welcome.html>. To recognize the importance of this section, one only has to look at the other duties codified

Article 51(A)(g) was added to the Constitution in 1976 as part of multiple Directive Principles on State Policy – provisions are meant to suggest legal positions individual states should adopt without mandating them as well as serve as overarching values to which legislation and administrative action should adhere.<sup>125</sup> No specific conduct is stipulated in the text, however, as to what “compassion for living creatures” requires.<sup>126</sup> When the judicial cases dealing with this directive are examined, it may be seen that this provision has not generated a prohibition on widespread animal-based industries and uses. Where the constitutional compassion provision has effected a ban on animal use, it has conformed to the typical anti-cruelty paradigm pattern where practices transgressing dominant norms are prohibited; as an example, the provision has led to a national ban on bullfighting, a practice that does not enjoy majority support in India.<sup>127</sup>

In other instances, however, the constitutional compassion directive has resulted in judicial pronouncements expressing a substantive non-instrumental vision for animals as well as actual abolitionist legal outcomes. However, Indian courts have mobilized this constitutional provision on animals to integrate a robust vision of animal ethics into their decisions for reasons unrelated to Hindu identity politics. For example, Article 51(A)(g) has supported legislative initiatives banning bears, lions, monkeys, panthers, and tigers in circuses.<sup>128</sup> In the celebrated 2000 case of *Balakrishnan et al v Union of India*, the court recognized that nonhumans are “beings entitled to dignified existence and humane treatment (...)”,<sup>129</sup> and in so doing showed the influence of this constitutional provision. As well, in obiter, the court went even further, noting a myriad of ways in which animals are more virtuous than humans, that “(m)any believe that the lives of human and animals are equally valuable and that their interests should count equally.”<sup>130</sup> As well, the Court stated the following:

If humans are entitled to fundamental rights, why not animals? In our considered opinion, legal rights shall not be the exclusive preserve of the humans which has to be extended beyond people thereby dismantling the

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here, including the duty to uphold the sovereignty, to defend the country, and to abjure violence. *Ibid.* at article 51A(c), (d), and (i).

<sup>125</sup> Maher, “Legal Technology,” *supra* n. 120, 35.

<sup>126</sup> Kelch, *Globalization*, *supra* n. 8, 286.

<sup>127</sup> *People for Animals v State of Goa*, Writ Petition No 347 of 1996, High Court of Judicature at Bombay Panaji Bench.

<sup>128</sup> *Balakrishnan et al. v Union of India*, No 155/1999 of 2000, High Court of Judicature at Kerala, available at [www.elaw.org/node/1831](http://www.elaw.org/node/1831). The provision has helped lead to bans with respect to other animal practices as well. See *T. N. Godavarman Thirumulpad v Union of India & ORS* [2012] INSC 114 (13 February 2012), [www.liiofindia.org/cgi-bin/disp.pl/in/cases/cen/INSC/2012/114.html?stem=0&synonyms=0&query=animal&constitution&51A](http://www.liiofindia.org/cgi-bin/disp.pl/in/cases/cen/INSC/2012/114.html?stem=0&synonyms=0&query=animal&constitution&51A) (ban on allowing breeding with other species to protect an endangered species); *People for Animals v State of Goa*, [www.indiankanoon.org/doc/248589/](http://www.indiankanoon.org/doc/248589/) (ban on allowing bullfighting in the state of Goa).

<sup>129</sup> *Balakrishnan et al. v. Union of India*, *ibid.*

<sup>130</sup> *Ibid.*, para. 13.

thick legal wall with humans all on one side and all non-human animals on the other side. While the law currently protects wildlife and endangered species from extinction, animals are denied rights, an anachronism with must necessarily change.<sup>131</sup>

Albeit in obiter, to say that this statement expresses a high and rare level of judicial commitment to an abolitionist outcome for animals is to understate the point. Notably, we would be hard-pressed to identify judicial remarks at an equivalent level of animal centeredness in any of the European jurisdictions canvassed earlier. More recently, in 2013, through the Central Zoo Authority of the Ministry of Environment & Forests, India also issued a directive against the building of further sites of captivity for all marine mammals. Following a ruling by the Animal Welfare Board of India, the directive initially addressed dolphins but the Ministry later expanded it to include all marine mammals.<sup>132</sup> And while the directive can be criticized for according exceptional status to marine mammals due to the exalted “human” attributes they share, particularly intelligence, and thus perpetuating an anthropocentric logic that excludes animals perceived instead to be dissimilar from humans, it is still an abolitionist measure. Like the Kerala high court ruling, it speaks about rights for (marine) animals, a decidedly non-welfarist outcome.<sup>133</sup> It is difficult to house the directive within the classic parameters of the anti-cruelty paradigm. Although the marine mammal directive does not cite Article 51(A)(g) directly, it is reasonable to speculate that the constitutional compassion principle implicitly informed the Ministry’s decision to issue it, thus generating a substantive non-instrumentalist result for (some) animals.

In addition to judicial pronouncements producing a substantive non-instrumental vision for animals pursuant to Article 51(A)(g), India’s constitution has also instigated substantive results for animals through the legal expression it had afforded to certain mainstream national attitudes towards animals. While legal actors and long-standing “common sense” about human-animal relations protect culturally dominant practices from falling prey to animal protective provisions in India as they have in other countries, it is instructive to note that in India certain dominant values actually translate into prohibition on certain types of animal uses. The sacred importance of cows within Hinduism – India’s dominant religion by far – is well known. This valuation is reflected in Article 48 of the Constitution, which reads:<sup>134</sup>

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<sup>131</sup> Ibid.

<sup>132</sup> Humane Society International, [www.hsi.org/world/india/news/news/2013/01/dolphinariums\\_india\\_011613.html](http://www.hsi.org/world/india/news/news/2013/01/dolphinariums_india_011613.html) (accessed July 18, 2015).

<sup>133</sup> Balakrishnan et al. v. Union of India, *supra* n. 127, at para. 13; Maher, “Legal Technology,” *supra* n. 120, at 35.

<sup>134</sup> Wagman and Liebman, *Worldview*, *supra* n. 8, at 264 (“[a]rticle 48 is unique among constitutional provisions internationally, as it directly incorporates and recognizes the special relationship between a society and animals (here India and cows) – and the interest in protecting them above and separate from other species”).

The State shall endeavour to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.<sup>135</sup>

Article 48 is also a directive principle.<sup>136</sup> Despite its directive status, this Article has resulted in forward-thinking judicial pronouncements on animals that would be difficult to identify in any Western jurisprudence thus far. For example, in *Mohd. Habib v State of Uttar Pradesh*,<sup>137</sup> the court interprets the Constitution as not permitting “any citizen to claim that it is his (sic) fundamental right to take life and kill animals” thereby challenging anthropocentrism.<sup>138</sup>

At the same time, it is vital to note Article 48’s imbrication in communal tensions between Hindus and Muslims. As Daphne Barak-Erez describes, Article 48’s entry into the Constitution was a product of nation-building desires to assert India’s identity as a Hindu state given the special reverence for cows as holy and maternal within Hinduism.<sup>139</sup> Since then, judicial interpretation has broadened constitutional protection for state prohibitions, holding that state bans of all cow and bull killing without exception are constitutional.<sup>140</sup> While obviously a non-welfarist initiative, as Barak-Erez observes, the prohibition against all slaughter can best be explained by the symbolic reinforcement of Hindu dominance against the minority Muslim community in India.<sup>141</sup> Akin to the notable developments for animals in Germany, constitutional protection for animals belies a resistance to the Muslim Other.

Nonetheless, the abolitionist impact of Article 48 in actually prohibiting the slaughter of cows outweighs the impact of Germany’s constitutional amendment following its Slaughter decision. Together, both Article 48 and Article 51 (A)(g) have established a constitutional landscape for animals that delivers some substantive non-welfarist results. It is a landscape that casts doubt on the conventional colonial representation that non-Western countries care less for animals or perennially lag behind Western countries in their legal regard for animals.<sup>142</sup> So, too, does the fact that India’s Constitution was the first one in the world to mandate that humans have duties to animals. The provision of protecting cows is also notable as it is an original part of the Constitution and did not enter by way of an amendment as in Switzerland, Germany,

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<sup>135</sup> Constitution of India, 2011 art. 48(A), available at <http://indiacode.nic.in/coiweb/welcome.html>.

<sup>136</sup> Daphne Barak-Erez, “Symbolic Constitutionalism: On Sacred Cows and Abominable Pigs,” *Law, Culture and the Humanities* 6, no. 3 (2010): 425.

<sup>137</sup> *Mohd. Habib v State of Uttar Pradesh*, Civil Misc Writ Petition No 38469 (1994).

<sup>138</sup> Wagman and Liebman, *Worldview*, supra n. 8, 266.

<sup>139</sup> *Ibid.*, 425.

<sup>140</sup> *Ibid.*, 428–430.

<sup>141</sup> *Ibid.*, 434–435.

<sup>142</sup> Samera Esmeir, *Juridical Humanity: A Colonial History* (Stanford, CA: Stanford University Press, 2013), 145.

and Brazil.<sup>143</sup> Of course, India's Constitution came into effect in 1947 – much later than these or other countries that provide some level of constitutional protection to animals.<sup>144</sup> Still, the dates of the constitutional amendments in the Constitutions of Switzerland, Germany, and Brazil occurred much later than even 1976 when India's compassion directive was added; it is only in the 1980s onwards that the European amendments start to emerge.<sup>145</sup> India was a clear leader in terms of national constitutional recognition for animals. This early and original recognition of animals may be attributed to religious and cultural guiding principles that preceded the Constitution and continue to exist in India.<sup>146</sup>

While I do hope the discussion of India here contributes to some degree to dispelling the myth that animals have it better under Western laws and subject to Western practices, I do not suggest that India through its mandated constitutional duty that humans show compassion for animals or any other constitutional principle or law is in any marked way more advanced in securing substantive animal protections for animals. Despite the non-welfarist results the *de jure* situation remains that, as in the other jurisdictions covered here, animals are regarded as property and thus easily exploitable. While it is reasonable to view the Indian Constitution as a postcolonial text that dispels the colonial perception that Western nations treat animals better, it would be erroneous to categorize the Indian Constitution as animal-centric and devoid of welfarist sensibilities.

## Conclusion

Through their constitutional texts each of the nations surveyed here advances the possibility that animals, as “fellow beings,” subjects of “compassion,” or “creatures with dignity,” have some level of inherent worth that distinguishes them from inanimate objects. Although disparate in nature, we can understand these measures – on a most generous reading – as a patchwork of two types of initiatives: (1) those that seek to transcend the traditional property paradigm and consider the needs and interests of some or all animals on their own terms and more centrally in decision-making; and (2) those that seek to respond to a culturally sensitive issue animated by larger anxieties or values about race, religion, or class. Although the former initiatives hold more promise than the latter as examples of law reform galvanized by concern about how animals are treated in mainstream and not just minoritized cultural practices, even these initiatives unpoliticized by the politics of human difference will need to

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<sup>143</sup> Wagman and Liebman, *supra* n. 8, at 262, 266; Kelch, *Globalization*, *supra* n. 8, 282–283, 288.

<sup>144</sup> Wagman and Liebman, *Worldview*, 262.

<sup>145</sup> Germany started the process of amending the constitution in the 1980s and the amendment occurred in 2002. In Switzerland, the amendment occurred in 1992. In Brazil, the amendment occurred in 1998. Kelch, *Globalization*, *supra* n. 8, 275–276, 28–283, 288.

<sup>146</sup> For an elaboration on this argument, including a historic perspective on traditions of non-violence in India, see e.g. Chandola, “Dissecting,” *supra* n. 68, 21–26.

venture considerably further in scope for legal reform to take widespread root. We can see that none thus far abolish the use of animals in any significant way beyond legal welfarism other than India in relation to cows and a few topical areas. Although these international initiatives signal an appetite to modify classic legal thinking about animals and even require the consideration of their interests in legal decision-making, a welfarist paradigm envelopes these initiatives and re-routes any attempts to recognize the worth of nonhumans that the constitutional text portend. For systemic reform to occur, jurists will need to imbue and interpret the constitutional protections and duties for animals through a non-welfarist filter.

This is as true in European jurisdictions as it is elsewhere. Indeed, the comparison drawn here among Germany, Switzerland, Brazil, and India—revealing how deeply legal welfarism permeates legal cultures, and how racial and religious ideologies inflect constitutional legal norms about animals in Europe (as elsewhere)—gives pause to arguments that presume that European nations and cultures are somehow more animal-friendly than others. Making this observation is not to claim that non-European countries fare better or even that more progress for animals has been made outside of Europe than within it. Instead, the contrast is meant to intervene in the imperial mentality about civilizational attitudes towards animals residing in animal advocacy.

The State shall protect its seas, shores, lakes, waterways and natural protectorates. Trespassing, polluting or misusing any of them is prohibited. Every citizen is guaranteed the right of enjoying them. The State shall protect and develop the green space in the urban areas; preserve plant, animal and fish resources and protect those under the threat of extinction or danger; guarantee humane treatment of animals, all according to law” (emphasis added).

Constitution of the Arab Republic of Egypt, 2014. I have not included Egypt in the present comparative analysis in order to concentrate on secular constitutional texts. For a discussion on whether Egypt as a nation is religious or secular, see Hussein Ali Agrama, “Secularism, Sovereignty, Indeterminacy: Is Egypt a Secular or a Religious State?” *Comparative Studies in Society and History* 52, no. 3 (July 2010): 495 (2010).

In the event of injury or death of an animal that is kept in a domestic environment, and is not kept for pecuniary or profit-making purposes, the judge may take into account to a reasonable degree the emotional value of such animal to the keeper or the persons close to him.”) (emphasis added).

(1) In the event of disputes over ownership of animals kept as pets rather than for investment or commercial purposes, the court will award sole ownership to whichever party offers the better conditions of animal welfare in which to keep the animal. (2) The court may order the person to whom ownership of the animal is awarded to provide appropriate compensation to the other party; the court determines the amount at its discretion. (3) The court shall take all necessary provisional measures, in particular in relation to the animal’s care in the interim.

as cited in Michel and Kayasseh, “Animals in Switzerland,” 29–32.

...The State shall guarantee to everyone the full exercise of cultural rights and access to sources of national culture and support and encourage the appreciation and dissemination of the culture. Paragraph 1 – The State shall protect the expressions of popular, indigenous, African-Brazilian cultures, and other groups participating in the national civilization process.

(95)

Article 216 states, “Material and immaterial property compose the Brazilian cultural heritage, individually or together...” (95). Article 225 states:

All people have the right to an ecologically balanced environment which is an asset of common use and essential to a health quality of life, and both the Government and the community shall have the duty to defend and preserve it for present and future generations. Paragraph 1 – In order to ensure the effectiveness of this right, the Government shall: VII – protect the fauna and the flora, with prohibition, in the manner prescribed by law, of all practices which represent a risk to their ecological function, cause the extinction of a species, or subject an animal to cruelty.

(84)

## References

Abu-Lughod, Lila. “Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others.” *American Anthropologist* 104, no. 3 (2002): 783–790.

Agrama, Hussein Ali. “Secularism, Sovereignty, Indeterminacy: Is Egypt a Secular or a Religious State?” *Comparative Studies in Society and History* 52, no. 3 (July 2010): 495–523.

Barak-Erez, Daphne. “Symbolic Constitutionalism: On Sacred Cows and Abominable Pigs.” *Law, Culture and the Humanities* 6, no. 3 (2010): 420–435.

Bevilaqua, Ciméa Barbato. “Chimpanzees in Court: What Difference Does It Make?” In *Law and the Question of the Animal: A Critical Jurisprudence*, edited by Yoriko Otomo and Ed Mussawir, 71–88. London: Glass House Press, 2013.

Bracke, Sarah. “From ‘Saving Women’ to Saving Gays’: Rescue Narratives and their Dis/continuities.” *European Journal of Women’s Studies* 19, no. 2 (2012): 237–252.

Casal, Paula. “Is Multiculturalism Bad for Animals?.” *Journal of Political Philosophy* 11, no. 1 (2003): 1–22.

Chandola, Varn. “Dissecting American Animal Protection Law: Healing the Wounds with Animal Rights and Eastern Enlightenment.” *Wis Environmental Law Journal* 8, no. 1 (2002): 3–30.

De Almeida Silva and Tagore Trajano. “Brazilian Animal Law Overview: Balancing Human and Non-Human Interests.” *Journal of Animal Law* VI (2010): 81–104.

Deckha, Maneesha. "Property on the Borderline: A Comparative Analysis of the Legal Status of Animals in Canada and the United States." *Cardozo Journal of International & Comparative Law* 20 (2011): 313–365.

———. "Toward a Postcolonial, Posthumanist Feminist Theory: Centralizing Race and Culture in Feminist Work on Nonhuman Animals." *Hypatia* 27, no. 3 (2012): 527–545.

———. "Welfarist and Imperial: The Contributions of Anti-Cruelty Legislation to Civilizational Discourse." *American Quarterly* 65, no. 3 (2013): 515–548.

Esmeir, Samera. *Juridical Humanity: A Colonial History*. Stanford, CA: Stanford University Press, 2013.

Evans, Erin. "Constitutional Inclusion of Animal Rights in Germany and Switzerland: How Did Animal Protection Become an Issue of National Importance?" *Society and Animals* 18, no. 3 (2010): 231–250.

Fox, Marie. "Re-thinking Kinship: Law's Construction of the Animal Body." *Current Legal Problems* 57, no. 1 (2004): 469–493.

Francione, Gary. "Animals, Property and Legal Welfarism: Unnecessary Suffering and the Humane Treatment of Animals." *Rutgers Law Review* 46, 2 (1993–1994): 721–770.

Garner, Steve and Saher Selod. "The Racialization of Muslims: Empirical Studies of Islamophobia." *Critical Sociology* 41, no. 1 (2015): 9–19.

Gordilho, Heron Jose de Santana. "Wildlife and the Brazilian Abolitionist Movement." *Journal of Animal Law* 5 (2009): 71–90.

Harper, A. Breeze. "Race as a 'Feeble Matter' in Veganism: Interrogating Whiteness, Geopolitical Privilege, and Consumption Philosophy of "Cruelty-free" Products." *Journal for Critical Animal Studies* 8, no. 3 (2010): 5–27.

Haupt, Claudia H. "Who Let the Dangerous Dogs Out? The German States' Hasty Legislative Action, The Federal Law on Dangerous Dogs and the "Kampfhunde" Decision of the Federal Constitutional Court." *Journal of Animal Law* 2, no. 27 (2006): 27–48.

———. "Free Exercise of Religion and Animal Protection: A Comparative Perspective on Ritual Slaughter." *George Washington International Law Review* 39, no. 4 (2007): 839–886.

Hill, De Anna. "Combating Animal Cruelty with Environmental Law Tactics." *Journal of Animal Law* 4 (2008): 19–40.

Kelch, Thomas. *Globalization and Animal Law: Comparative Law, International Law and International Trade*. Alphen aan den Rijn: Kluwer Law International, 2011.

Kemmerer, Lisa. *Sister Species: Women, Animals, and Social Justice*. Chicago: University of Illinois Press, 2011.

Kete, Kathleen. *Animals and Human Empire in A Cultural History of Animals in the Age of Empire*. Oxford: Bloomsbury Publishing, 2006.

Kymlicka, Will and Sue Donaldson. "Animal Rights, Multiculturalism, and the Left." *Journal of Social Philosophy* 45, no. 1 (2014): 116–135.



Langenfeld, Christine. "Developments: Germany." *International Journal of Constitutional Law* 1, no. 1 (2003): 141–147.

Lennkh, Sabine. "The Animal: A Subject of Law: A Reflection on the Aspects of the Austrian and German Juridical Systems." *International Journal for the Semiotics of Law* 24, no. 3 (2011): 307–329.

Maher, John T. "Legal Technology Confronts Speciesism, or We Have Met the Enemy and He Is Us." In *The Animal Catalyst: Toward Ahuman theory*, edited by Patricia McCormack, 27–48. New York: Bloomsbury, 2014.

May, James R. "Constitutional Fundamental Environmental Rights Worldwide." *Pace Environmental Law Review* 23 (2005–2006): 113–182.

McClintock, Anne. *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest*. New York: Routledge, 1995.

Michel, Margot and Eveline Schneider Kayasseh. "The Legal Situation of Animals in Switzerland: Two Steps Forward, One Step Back – Many Steps to Go." *Journal of Animal Law* 7 (2011): 1–42.

Mohanty, Chandra Talpade, Ann Russo and Lourdes Torres, eds. *Third World Women and the Politics of Feminism*. Bloomington: Indiana University Press, 1991.

Nattrass, Kate M. "...Und Die Tiere: Constitutional Protection for Germany's Animals." *Animal Law Review at Lewis & Clark School* 10 (2004): 283–312.

Narayan, Uma. *Dislocating Cultures: Identities, Traditions and Third-World Culture*. New York: Routledge, 1997.

Nelson, Jacqueline. "A Bloody Business." *Canadian Business* 83, no. 11/12 (2010): 62.

Okin, Susan. "Is Multiculturalism Bad for Women?." In *Is Multiculturalism Bad for Women?* edited by Susan Okin et al., 7–26. Princeton, NJ: Princeton University Press, 1999.

Passantino, Annamaria. "Companion Animals: An Examination of Their Legal Classification in Italy and the Impact on Their Welfare." *Journal of Animal Law* 4 (2008): 59–92.

Regan, Tom. *The Case for Animal Rights*. Los Angeles: University of California Press: 1983.

Srinivasan, Krithika. "The Biopolitics of Animal Being and Welfare: Dog Control and Care in the UK and India." *Transactions of the Institute of British Geographers* 38, no. 1 (2012): 106–119.

Subramaniam, Banu. "The Aliens Have Landed! Reflections on the Rhetoric of Biological Invasions." *Meridians* 2, no. 1 (2001): 26–40.

Towns, Ann E. "Carrying the Load of Civilisation: The Status of Women and Challenged Hierarchies." *Millennium* 42, no. 3 (2014): 595–613.

Wagman, Bruce and Matthew Liebman. *A Worldview of Animal Law*. Durham, NC: Carolina Academic Press, 2011.

# 11 Placing Angola: Racialization, anthropocentrism, and settler colonialism at the Louisiana State Penitentiary's Angola Rodeo

Kathryn Gillespie

## Introduction

Colonial histories span both temporal and species boundaries, extending violent pasts into violent presents and impacting human and nonhuman lives in distinct modes of bodily appropriation. Rooted in place, these colonial histories shape contemporary social relations and embodied experience, reproducing racialized encounters that shed light on how we understand humanity and animality, coloniality and violence. The Angola Rodeo, held twice a year at the Louisiana State Penitentiary in Louisiana, United States, is a cross-species site where imaginaries of the US South meet those of the West, revealing the lasting resonances of plantation slavery, settler colonialism, and the role of the animal in these histories. I explore what might be learned from theorizing how distinct histories of colonization reveal the violence and confinement operating to shape the way places are made, reproduced, and politics enacted. Resonances of violence are sustained through time in a particular place like the Angola Rodeo, tracing through the spaces of confinement and lives confined at the prison.

I use postcolonial and critical animal studies frames to analyze the public event of the Angola Rodeo to reveal the underlying racist and anthropocentric logics of the prison and rodeo and the way the public face of the rodeo provides a sanitized vision of mass incarceration and colonial histories in the United States.<sup>1</sup> Black geographies theorize how politics of place-making is entangled with modes of racial exclusion, bodily appropriation, and structural violence, but also how place becomes central to a

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<sup>1</sup> Melissa Schrift, "The Wildest Show in the South: The Politics and Poetics of the Angola Prison Rodeo and the Inmate Arts Festival." *Southern Cultures* 14, no. 1 (2008): 22–41.

reaffirmation of life and relationality.<sup>2</sup> Indeed, a key project for critical race theory and postcolonial studies is to consider what “being human” means and how humanness is a relational project of redefining a conceptualization of living.<sup>3</sup> The category of the human—what it means to be human, who is included in this category and who is not, and indeed “whether the appellation ‘human’ can be borne equally by all”—has a complex and contested history, as well as being an ongoing site of conversation and debate.<sup>4</sup> Sylvia Wynter challenges the conception of the “human” in modernity as being modeled on the figure of the white, Western “Man,” and she argues for a reconfiguration—what Zakkiyah Iman Jackson describes as a “transformation from within”—of the human as a category.<sup>5</sup> Social constructions of race and their intertwined formulations of full human, not-quite-human, and nonhuman have been key features in how the human as an ontological category is conceptualized.<sup>6</sup>

Conceptions of the human, however, rely on the “abject opposite of the human, of whiteness”; they rely on “the (necessarily) nebulous notion of the animal.”<sup>7</sup> This human–animal binary is, like the formulation of Man, solidified through Western Enlightenment conceptions of humanity and animality, and is frequently in direct opposition to other conceptions of ordering life that manifest through, for instance, Indigenous ways of knowing.<sup>8</sup> Indeed, Jackson posits that these binary ways of thinking are a result of their geographic location in Western epistemologies, and points out that within Enlightenment thinking “blackness [was simultaneously reformulated] as inferior to both

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<sup>2</sup> Katherine McKittrick, *Demonic Grounds: Black Women and the Cartographies of Struggle* (Minneapolis: University of Minnesota Press, 2006); Katherine McKittrick and Clyde Woods, eds., *Black Geographies and the Politics of Place* (Toronto: Between the Lines, 2007).

<sup>3</sup> Katherine McKittrick, ed., *Sylvia Wynter: On Being Human as Praxis* (Durham, NC: Duke University Press, 2015).

<sup>4</sup> Saidiya Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America*. *Race and American Culture* (New York: Oxford University Press, 1997), 6; Zakkiyah Iman Jackson, “Animal: New Directions in the Theorization of Race and Posthumanism.” *Feminist Studies* 39, no. 3 (2013): 669–685; Zakkiyah Iman Jackson, “Outer Worlds: The Persistence of Race in Movement ‘Beyond the Human’.” *GLQ* 21, nos. 2/3 (2015): 215–218; Julie Livingston and Jasbir Puar, “Interspecies.” *Social Text* 29, no. 1 (2011): 3–14; José Esteban Muñoz, “Theorizing Queer Inhumanisms,” *GLQ* 21, nos. 2/3 (2015): 209–248; Sylvia Wynter, “Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, after Man, Its Overrepresentation—An Argument.” *CR: The New Centennial Review* 3, no. 3 (2003): 257–337.

<sup>5</sup> Jackson, “Animal,” 672; Wynter, “Unsettling the Coloniality of Being/Power/Truth/Freedom.”

<sup>6</sup> Hartman, *Scenes of Subjection*; Jackson, “Animal”; McKittrick, Sylvia Wynter; Alexander Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human* (Durham, NC: Duke University Press, 2014).

<sup>7</sup> Syl Ko, “Addressing Racism Requires Addressing the Situation of Animals.” *Aphro-Ism*, edited by Aph Ko and Syl Ko (New York: Lantern Books, 2017), 45.

<sup>8</sup> Jay T. Johnson and Brian Murton, “Re/placing Native Science: Indigenous Voices in Contemporary Constructions of Nature.” *Geographical Research* 45, no. 2 (2007): 121–129; Juanita Sundberg, “Decolonizing Posthumanist Geographies.” *Cultural Geographies* 21, no. 1 (2014): 33–47; Kim Tallbear, “An Indigenous Reflection on Working beyond the Human/Not Human.” *GLQ* 21, nos. 2/3 (2015): 230–235.

‘the human’ and ‘the animal’.”<sup>9</sup> Within a Western framework of colonialism and imperialism, anthropocentrism and racialization are intertwined logics of violence, and this necessitates a deep interrogation of not only the categories and processes themselves, but also how they play out in historically contextualized colonial presents. As Jinthana Haritaworn argues, “such a nonhuman turn—which would naturally be allied to Indigenous sovereignty and self-determination—would have the potential to tackle anthropocentrism and dehumanization simultaneously, as relational rather than competing or analogous paradigms.”<sup>10</sup>

The Angola Rodeo, because of its situatedness in the Southern plantation-penitentiary, is most obviously a site where the co-constitution of whiteness, blackness, and animality can be understood as forms of racialization and anthropocentrism that animate a particular formulation of human. But the rodeo itself and the “clearing” of Indigenous land to make way first for the plantation, and later for the prison, locate what occurs at the Angola Rodeo in the violence of settler colonialism and genocide. The abject category of the animal and the process of “making animal” underlie this geography. As Billy-Ray Belcourt explains:

The logic of anthropocentrism is... militarized through racial hierarchies that further distance the white settler from blackness and indigeneity as animalized sites of tragedy, marginality, poverty, and primitivism. That is, black and Indigenous bodies are dehumanized and inscribed (and continually re-inscribed) with animal status—which is always a speciesist rendering of animality as injuring—to refuse humanness to people of color and colonized subjects. This not only commits a violence that re-locates racialized bodies to the margins of settler society as non-humans, but also performs an epistemic violence that denies animality its own subjectivity and re-makes it into a mode of being that can be re-made as blackness and indigeneity.<sup>11</sup>

Thus, a decolonial project that does not recover or redefine the ontological violence of the animal may in fact leave intact a fundamental part of how these racializing, anthropocentric logics sustain themselves.

Like the human, the animal is not a monolithic ontological category. Animals, as a category, include many forms of life—and, of course, humans themselves are animals. Even among nonhuman animals, often-arbitrary and culturally produced belief systems categorize species into those humans love as “companion animals” or “pets,” those eaten as “food,” those who are experimented on for biomedical research, or those trained into entertainment. Critical animal studies scholarship has aimed to decenter the human as the sole site of ethical and political consideration by bringing nuanced

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<sup>9</sup> Jackson, “Animal,” 678.

<sup>10</sup> Jinthana Haritaworn, “Decolonizing the Non/Human.” *GLQ* 21, nos. 2/3 (2015): 213.

<sup>11</sup> Billy-Ray Belcourt, “Animal Bodies, Colonial Subjects: (Re)locating Animality in Decolonial Thought.” *Societies* 5, no. 1 (2015): 5.

critiques of how these categories of nonhuman life are constructed into dialogue with human geographies.<sup>12</sup> Some animal geographies work concerned with decentering the human in human geography pays particular attention to the construction of racialized notions of the human, and how this is entangled with social and cultural geographies of the nonhuman.<sup>13</sup> By highlighting the processes of racialization and animalization that occur at the Angola Rodeo, I argue that serious consideration of humans and other species in this site can work to reformulate the violence done and redone by these categories. Katherine McKittrick warns that yet another retelling of violence against Black people is not sufficient and in fact may reinforce notions of Black lives as exploitable, disposable, and ungrievable, or of “black suffering as spectacle.”<sup>14</sup> With these warnings in mind, my project here aims to contribute to destabilizing and undoing the foundational ontological base—the human/subhuman/nonhuman categories—on which these distinct forms of violence are enacted.

It is crucial to note that there are important risks in trying to understand racialized human histories and politics in conversation with the commodification and appropriation of nonhuman bodies and lives.<sup>15</sup> Long histories of “dehumanization” and “animalization” of people of color make this a troubling site for dialogue and research.<sup>16</sup> In the context of scholarship on prisons and animal institutions, there is an ongoing debate about the complexity, ethics, and politics of drawing comparisons among these various institutions.<sup>17</sup> While this conversation prompts provocative and politically charged questions that are worth exploring, in my approach, I am not attempting to draw comparisons or say that the experience of men incarcerated at the prison is similar to other species’ experience of rodeo or domestication. I am also wary of moving too quickly beyond the human without a close attention to the racialized underpinnings of these

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<sup>12</sup> Chris Philo and Chris Wilbert, eds., *Animal Spaces, Beastly Places: New Geographies of Human-Animal Relations* (London: Routledge, 2000); Jennifer Wolch and Jody Emel, eds., *Animal Geographies: Place, Politics, and Identity in the Nature-Culture Borderlands* (London: Verso, 1998).

<sup>13</sup> Kay Anderson, *Race and the Crisis of Humanism* (London: Routledge, 2007); Kay Anderson, “Mind Over Matter? On Decentering the Human in Human Geography.” *Cultural Geographies* 21, no. 1 (2014): 3–18; Glen Elder, Jennifer Wolch, and Jody Emel, “Race, Place, and the Bounds of Humanity.” *Society and Animals* 6, no. 2 (1998): 183–202.

<sup>14</sup> Katherine McKittrick, “Plantation Futures.” *Small Axe* 17, no. 3 (2013): 1–15; Hartman, *Scenes of Subjection*.

<sup>15</sup> Philip Armstrong, “The Postcolonial Animal.” *Society and Animals* 10, no. 4 (2002): 413–419.

<sup>16</sup> Neel Ahuja, “Postcolonial Critique in a Multispecies World.” *PMLA* 124, no. 2 (2009): 556–563; Maneesha Deckha, “Toward a Postcolonial, Posthumanist Feminist Theory: Centralizing Race and Culture in Feminist Work on Nonhuman Animals.” *Hypatia* 27, no. 3 (2012): 527–545; Elder, Wolch, and Emel, “Race, Place, and the Bounds of Humanity;” María Elena García. “Love, Death, Food, and Other Ghost Stories: The Hauntings of Intimacy and Violence in Contemporary Peru.” *Economies of Death: Economic Logics of Killable Life and Grievable Death*, edited by Patricia J. Lopez and Kathryn A. Gillespie (London: Routledge, 2015), 160–178.

<sup>17</sup> Karen Morin, “Carceral Space: Prisoners and Animals.” *Antipode* 48, no. 5 (2016): 1317–1336; Susan Thomas and Laura Shields, “Prison Studies and Critical Animal Studies: Understanding Interconnectedness Beyond Institutional Comparisons,” *Journal for Critical Animal Studies* 10, no. 2 (2012): 4–11.

formulations, as Jackson and Juanita Sundberg have expressed concern over in relation to animal studies and posthumanist scholarship; Jackson writes:

the resounding silence in the posthumanist, object-oriented, and new materialist literatures with respect to race is remarkable, persisting even despite the reach of antiblackness into the nonhuman—as blackness conditions and constitutes the very nonhuman disruption and/or displacement they invite.<sup>18</sup>

Bringing together an analysis of the entangled genealogies of race and species at the Angola Rodeo, I draw on a strand of postcolonial critical animal studies that interrogates in careful, critical ways these “dangerous crossings,” as Claire Jean Kim calls them—the crossings where distinct historical and contemporary understandings of race, species, and violence are entangled in messy hierarchies of power and exclusion.<sup>19</sup>

Combining textual research with spectator-observation at the Angola Rodeo in October 2014, my findings suggest that this particular rodeo offers a unique melding of how US Southern and Western colonial imaginaries of place get reproduced in the historical present to enact violence on human and nonhuman lives. This site, as an embodiment of settler colonialism, plantation slavery, and mass incarceration, highlights the entangled logics of (and possibilities for disentangling) white supremacy, racialized violence, and anthropocentrism. I begin by introducing a very abbreviated history of rodeo in the United States, followed by a history of the Louisiana State Penitentiary and an exploration of the geography of the Angola Rodeo. Then, I provide an analysis of the modes by which the South and the West meet at the Angola Rodeo. My hope, by way of conclusion, is to contribute to conversations about the decolonial potential for an enriched radical geography in multispecies contexts.

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<sup>18</sup> Jackson, “Outer Worlds,” 216; Jackson, “Animal”; Sundberg, “Decolonizing Posthumanist Geographies.”

<sup>19</sup> Claire Jean Kim, *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age* (Cambridge: Cambridge University Press, 2015); Neel Ahuja, *Bioinsecurities: Disease Interventions, Empire, and the Government of Species* (Durham, NC: Duke University Press, 2016); Belcourt, “Animal Bodies, Colonial Subjects;” Billy-Ray Belcourt, “A Poltergeist Manifesto.” *Feral Feminisms* 6 (2016): 22–32; Maneesha Deckha, “Toward a Postcolonial, Posthumanist Feminist Theory;” Maneesha Deckha, “The Subhuman as a Cultural Agent of Violence.” *Journal of Critical Animal Studies* 8, no. 3 (2010): 28–51; García, “Love, Death, Food, and Other Ghost Stories;” María Elena García, “The Taste of Conquest: Colonialism, Cosmopolitics, and the Dark Side of Peru’s Gastronomic Boom,” *Journal of Latin American and Caribbean Anthropology* 18, no. 3 (2013): 505–524; Megan Glick, “Animal Instincts: Race, Criminality, and the Reversal of the ‘Human’.” *American Quarterly* 65, no. 3 (2013): 639–659; Harlan Weaver, “‘Becoming in Kind’: Race, Class, Gender, and Nation in Cultures of Dog Rescue and Dogfighting.” *American Quarterly* 65, no. 3 (2013): 689–709.

# Rodeo in the United States

The history of rodeo spans the globe, emerging originally from “cattle” herding practices in Mexico and Spain. Rodeo is a Spanish word, meaning “round up,” and so initially rodeo simply referred to the common practice of rounding up bovines. Later, this developed into informal events where people working on ranches demonstrated skills at roping and herding, and these contests became commonplace in colonial Mexico and spread throughout North America, specifically from Mexico to the Western United States and Canada. Rodeo in the United States dates back to the early- to mid-19th century and, over the course of the 19th century, became an iconic symbol of the West. As rodeo events grew in popularity and attracted spectators, the number of events and contests grew, developing into an institution and an industry bringing in revenue for rural places and even bringing rodeo events to east coast US urban centers.

US rodeo idolized working cowboys, helping to solidify them as a masculine icon of the taming of the “Wild West.” Cultural geographies of the cowboy include the Western film genre (and its thread of overt racism and sexism), the cowboy as a childhood hero and character for children to play, and the maintenance of the cowboy as a key cultural figure through contemporary rodeo.

Within popular cultures, the cowboy is associated with a particular kind of virile hypermasculinity and is often representative of American (colonial) ideals such as freedom, modernity, and independence. The cowboy is also racialized as White, signaling the racial dimensions of the American colonial project.<sup>20</sup>

The hypermasculinity and whiteness that define the cowboy, then, become synonymous with nationalistic ideas about freedom and what it means to be human. The whiteness and humanity of this iconic cowboy is important because it is through this kind of body that the violence of settler colonialism was delivered, cementing white supremacy as the foundation of the US settler state. And this vision of the cowboy also erases and rewrites historical cowboy identities: although the imaginary of the hypermasculine cowboy is white, many real working cowboys were not:

Rodeo shows... presented a narrative of American progress predicated on the idea of white conquest of an uncivilized frontier; Anglo-American civilization subdued racial others... As a result, Wild West shows generally presented cowboys as white, effacing the racial diversity of those who labored on the pastoral frontier... This narrow construction of the cowboy past not only distorted the history of the West, but it also rewrote the geography of expansion.<sup>21</sup>

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<sup>20</sup> Beenash Jafri, “Desire, Settler Colonialism, and the Racialized Cowboy.” *American Indian Culture and Research Journal* 37, no. 2 (2013): 73–74.

<sup>21</sup> John Ryan Fischer, *Cattle Colonialism: An Environmental History of the Conquest of California and Hawai’i* (Chapel Hill: University of North Carolina Press, 2015), 3–4.

This rewriting of history and the idolization of the cowboy keep settler-colonial relations alive, as the figure of the cowboy, as well as real, embodied cowboys, was integral to the settler-colonial project of radically changing western landscapes, killing and displacing Indigenous communities, and driving many native animal species from their habitats. The historic work of cowboys in settler colonialism relied on a sense of the landscape as “unoccupied” and “wild”—needing to be enclosed through fences and property rights; it also relied on the depoliticized “disappearance” (i.e., genocide) of Indigenous people, and on those remaining as in need of being “tamed,” “civilized,” or enrolled as labor in the further expansion of the settler-colonial project.<sup>22</sup> Rodeo and contemporary animal agriculture, then, is deeply connected to settler-colonial violence, and Belcourt argues that the institution of animal agriculture (of which rodeo is a part) is “only possible because of and through the historic and ongoing erasure of Indigenous bodies and the emptying of Indigenous lands for settler-colonial expansion.”<sup>23</sup> Rodeo is fundamentally linked with agriculture and ranching in particular, and these institutions were formed through reifications of whiteness and the abjection of animality.

In addition to these forms of racialized and colonial violence, anthropocentrism is enacted in and through the cowboy, who violently renders the animal colonized, domesticated, and subordinate. The purpose of the working cowboy, for instance, is to round up cows grazing on the range, eventually driving them to the slaughterhouse where they will be killed for beef. Animal agriculture, as an institution, visits significant violence on the farmed animal body through breeding, raising, and slaughtering animals for food.<sup>24</sup> Cowboys performing in rodeos demonstrate skills at roping and wrestling animals to the ground: one common rodeo event (although it has been banned in some areas for animal welfare reasons) is “calf roping,” where, from a horse’s back, the cowboy lassos a calf around the neck, and then dismounts, runs to the calf, flips the calf on the ground, and binds their legs to immobilize them in a timed contest. Other modes of control are also present in rodeo events, from the use of the flank strap (a leather strap fastened around the lower abdomen that encourages the horse or bull to buck higher and straighter), to other events (like calf roping) that exercise power over the animal body, to the fear and anxiety many animals experience being chased or wrestled to the ground in front of a large screaming crowd.

Of course, situated as it is within the anthropocentric, settler-colonial imaginary, the rodeo is not routinely viewed as a violent space of human dominance over other

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<sup>22</sup> Glen Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014); Fischer, *Cattle Colonialism*; Andrea Smith, “Indigeneity, Settler Colonialism, White Supremacy,” *Racial Formation in the 21st Century*, edited by Daniel Martinez HoSang, Oneka LaBennett, and Laura Pulido (Berkeley: University of California Press, 2012), 66–90.

<sup>23</sup> Belcourt, “Animal Bodies, Colonial Subjects,” 3.

<sup>24</sup> Kathryn Gillespie, “Sexualized Violence and the Gendered Commodification of the Animal Body in Pacific Northwest U.S. Dairy Production,” *Gender, Place, and Culture* 21, no. 10 (2014): 1321–1337; David Nibert, *Animal Oppression and Human Violence: Domesecration, Capitalism, and Global Conflict* (New York: Columbia University Press, 2013).



animals. Normalizing violence against the animal body in the rodeo—indeed, making this violence into a spectacle of entertainment and pride—helps to reproduce violent hegemonic social relations between humans and farmed animals. It is, in fact, their abject status as nonhuman that enables farmed animals’ appropriation and subjugation for commodity production and which excludes them from serious ethical consideration. For this reason, then, the rodeo offers not only a site to understand the reproduction of settler-colonial histories, but is also a place to understand the often-overlooked modes of structural violence (i.e., animal agriculture, global meat and dairy industries) to which other species are subjected. White supremacy, which is articulated through both the settler-colonial project and the project of slavery and incarceration, is at least in part sustained by the continued subordination of the animal. Belcourt writes:

settler colonialism is invested in animality and therefore re-makes animal bodies into colonial subjects to normalize settler modes of political life (i.e. territorial acquisition, anthropocentrism, capitalism, white supremacy, and neoliberal pluralism) that further displace and disappear Indigenous bodies and epistemologies.<sup>25</sup>

These ideas could likely be explored at any rodeo in the United States; what makes the Angola Rodeo a particularly interesting site is how its geography brings together these modes of Western settler colonialism with colonial histories of the South.

## **The Louisiana State Penitentiary: a plantation prison**

To fully understand the Angola Rodeo, it is necessary to contextualize the geography in which this event occurs. The Louisiana State Penitentiary sits on 18,000 acres surrounded on three sides by the Mississippi River in rural Louisiana, about an hour northwest of Baton Rouge. The prison’s rural geography exacerbates the isolation of those who are imprisoned there. Many men incarcerated at the prison are from Louisiana’s urban centers—New Orleans, Baton Rouge—and the long trip to the prison prohibits many from being able to visit their family members there. This isolation is further compounded by the temporal aspect of their confinement—the fact that over 70 percent of more than 5,000 people incarcerated at the prison are serving life sentences.

The prison is commonly called Angola for Angola Plantation on whose ground the prison sits, named for the homeland of the first people who were enslaved there. The road to the prison winds past the Myrtles Plantation, a tourist destination for the popular plantation tourism industry. Angola is also, in its own way, a destination

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<sup>25</sup> Belcourt, “Animal Bodies, Colonial Subjects,” 9.

site for the plantation tourism industry, although it is not framed as such. Although Angola is no longer technically operating as a plantation, the historical resonance of the plantation and the embodied violence of plantation slavery are not hard to discern in the daily life at Angola where three-quarters of the prison population identify as Black/African American and where the place itself holds in it the history of plantation slavery economies. In addition to other forms of prison labor, men incarcerated at Angola labor in the fields of the massive prison farm for between 4 and 20 cents an hour: an agricultural landscape where crops are hand-cultivated by prison laborers and where a couple thousand steers are raised for beef—all overseen by guards with rifles on horseback.

Angola is well known for its infamy as “America’s bloodiest prison,” for its heralded status, more recently, as a model of prison reform, and for its sheer size and long and fraught history intertwined with plantation economies in the South. In 1835, a state penitentiary was built in Baton Rouge to replace an earlier New Orleans jail. However, the Baton Rouge prison was costly for the state to run, and in 1844, the prison and the people incarcerated there were leased to McHatton Pratt and Company (a private firm) through a “convict leasing” program. Prisoner-leasing programs enabled legal slave labor even after Emancipation and, in fact, as Edward Baptist argues, like slavery, prisoner-leasing programs were central to the accumulation of wealth among the elite class in the United States and were integral institutions in the growth of US capitalism.<sup>26</sup> In 1867, the prison was leased to Major Samuel James who, for the next 30 years, accumulated wealth through the use of conscripted prison laborers in construction and farming projects. It was James who, in 1880, purchased 8,000 acres of plantation land, called “Angola,” in West Feliciana Parish, and began using prisoners to cultivate the plantation through the leasing program. The egregious conditions for prisoners in this program, and its continuation of state-sanctioned slave labor generated public concern, and in 1900, the state of Louisiana purchased the land from James and took over the running of the prison, expanding to 18,000 acres of plantation land in 1922.<sup>27</sup> The transition from the plantation to the prison at Angola carried forward the logic of the plantation, and the geography of the plantation was reproduced at the prison. For instance, spatial traces carry resonances of the plantation, like Camp A (the first housing unit to confine prisoners at Angola), which was the slave quarters from the site’s years as a plantation.<sup>28</sup> The prison farm’s fields, too, where prisoners hand-cultivate crops, are a vestige of plantation slavery, carried through time first

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<sup>26</sup> Edward Baptist, *The Half Has Never Been Told: Slavery and the Making of American Capitalism* (New York: Basic Books, 2014).

<sup>27</sup> Vanessa Tolino, “Louisiana State Penitentiary at Angola.” *Know Louisiana: Encyclopedia of Louisiana*, edited by David Johnson (New Orleans: Louisiana Endowment for the Humanities, 2013), [www.knowlouisiana.org/entry/louisiana-state-penitentiary-at-angola](http://www.knowlouisiana.org/entry/louisiana-state-penitentiary-at-angola).

<sup>28</sup> Angola Museum. “History of Angola Prison,” accessed March 25, 2017, [www.angolamuseum.org/history/history/](http://www.angolamuseum.org/history/history/).

by “convict leasing” and then by the maintenance of the prison as a contemporary plantation farm.

Indeed, Angola, and the prison industrial complex more generally, is a way of keeping the plantation—certain forms of plantation labor and racialized modes of dispossession and marginalization of Black lives—alive.<sup>29</sup> Of course, not all prisons employ prisoners in forms of labor that recall plantation histories; Ruth Wilson Gilmore points out that many prisoners do not work at all in prison landscapes where the goal is often “incapacitation.”<sup>30</sup> Angola, with its particular extension of plantation labor into the present, is its own unique geography that may not be wholly generalizable to the broader carceral landscape. And yet, theorizing these linkages sheds light on what McKittrick calls plantation futures:

a conceptualization of time-space that tracks the plantation toward the prison and the impoverished and destroyed city sectors and, consequently, brings into sharp focus the way the plantation is an ongoing locus of anti-black violence and death that can no longer analytically sustain this violence.<sup>31</sup>

Speaking on the creation of the penitentiary, Davis argues:

One forgets that there were punishment systems operative during that time, within slavery. And as a matter of fact in the aftermath of slavery, when one sees the convict lease system develop, when one sees the transformation of some of the huge slave plantations into places where prisoners work... and of course Angola and others remain as witness to that connection between punishment and slavery, and mass incarceration in the 21st century... One often forgets that slavery played a very important role in establishing the kind of punishment system that exists today.<sup>32</sup>

Thus, the historical lineage of the plantation and a prison like Angola connects histories of place-making to the politics of the present—as a way to attend to historical presents, and also, as McKittrick argues, as a way to imagine less violent, decolonial futures.

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<sup>29</sup> Michelle Alexander, *The New Jim Crow* (New York: New Press, 2007); Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007); Marc Mauer, *Race to Incarcerate* (New York: New Press, 1999).

<sup>30</sup> Gilmore, *Golden Gulag*, 21.

<sup>31</sup> McKittrick, “Plantation Futures,” 2–3.

<sup>32</sup> Angela Davis. “Town Hall with asha badele and Angela Davis, 11 April 2016,” accessed March 25, 2017. <https://soundcloud.com/kirsten-west-savali>.

# The geography of the Angola Prison Rodeo

The Angola Prison Rodeo is held at the Louisiana State Penitentiary in April and October each year, attracting tourists from around the country, and even abroad; in fact, a list in Germany of 100 things you have to do before you die includes the Angola Rodeo as #38 in not-to-be-missed life experiences.<sup>33</sup> The history of the Angola Rodeo dates back to 1965 when the rodeo began as a form of entertainment for staff and prisoners. The event opened to the public in 1967 and, shortly after, the prison constructed an arena of spectator bleachers and began to expand the number of events included in the rodeo. In subsequent years, the rodeo's popularity spread in the surrounding area, attracting corporate sponsorship, and the prison began to contract with professional rodeo suppliers.<sup>34</sup>

Today, men incarcerated at the prison volunteer to participate in the rodeo, many of whom have never ridden a horse before. Participation in the rodeo is complex—it is, however, discursively constructed as an event in which to gain respect, glory, and redemption from the audience, the other prisoners, and the prison staff.<sup>35</sup> But participation in the rodeo is materially dangerous, especially so because of the amateur nature of the incarcerated riders: as I observed, the riders are often thrown and trampled by the animals in the rodeo, animals frequently trip and fall and leave the arena limping; in short, human riders and animals are often injured, sometimes fatally, when they participate in the rodeo. This danger adds to the discourses of “glory” and “redemption” circulating at the rodeo in the crowd and in the rodeo MC's constant narrative.<sup>36</sup> This danger is also highly problematic because of the ways in which prisoners are incentivized to participate in the rodeo (a subject I return to later). Danger, in fact, is a theme that carries through the prison rodeo space—through the imagined danger of the prison as a space of confined criminality, through the danger for the prisoners of participating in the rodeo, and through the conceptualization of the animals themselves as dangerous.

The animals at the rodeo include horses, cows (bulls, steer, cows, and calves), and bison. Entering the prison grounds, there were large herds of steers grazing on wide, open pastures, bred and raised at the prison for beef. Closer in to the prison were horses; the prison breeds horses and mules for farm labor (e.g., rounding up steers, pulling up plows, carrying guards who oversee prisoners laboring in the fields) and they run a well-respected Percheron horse-breeding program (horses bred at Angola are commonly purchased by urban mounted police brigades throughout the United

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<sup>33</sup> Burl Cain, “Angola Rodeo—Advertising,” accessed March 25, 2017. <http://angolarodeo.com/?q=Advertise>.

<sup>34</sup> Angola Museum. “Rodeo History: 40 Years of Guts and Glory,” accessed March 25, 2017. [www.angolamuseum.org/history/archived-articles/rodeo-history/](http://www.angolamuseum.org/history/archived-articles/rodeo-history/).

<sup>35</sup> Daniel Bergner, *God of the Rodeo: The Search for Hope, Faith, and a Six-Second Ride in Louisiana's Angola Prison* (New York: Crown, 1998).

<sup>36</sup> *Ibid.*

States, animals that are used as tools in the maintenance of the carceral state). Inside the rodeo grounds, the animals made to perform in the rodeo were contained in pens that said, “Danger: Wild Cattle,” a warning that helps to construct rodeo animals as “wild” rather than as the thoroughly domesticated and tightly managed beings that they are. These animals and their perceived wildness are the foundation of the performance of the rodeo event, but their lives and their animality are also intertwined with logics that also render racialized and criminalized human participants objects of entertainment.

The rodeo features events that are standard to many rodeos, such as bareback riding and bull riding, as well as those that are unique to Angola, like convict poker (where four prisoners sit at a table playing poker, a bull is released and charges the table, and the last man sitting at the table wins). Contrary to the professional rodeo circuit, the amateur nature of the rodeo riders adds to its appeal for the audience. Also adding to the unique appeal of the Angola Rodeo as a tourist destination is the spectacle of visiting the prison with an element of imagined danger and a voyeuristic curiosity about the largest maximum security penitentiary in the country.<sup>37</sup>

Indeed, a central element of the Angola Rodeo is not only the entertainment provided by the rodeo generally, but the Angola Rodeo in particular places the reinforcement of notions of Black criminality on display, indeed, as entertainment, reinforcing racist logics that reproduce the criminalization and incarceration of people of color. Angela Davis and asha bande argue that, in fact, we must move past a critique of mass incarceration to challenge the deeper, more pervasive problem of mass criminalization of people of color, as well as the deeply rooted racism imbricated in many other key institutions in society (and this echoes Davis’ earlier work on race and criminalization that extends through and beyond the penitentiary).<sup>38</sup>

Although the prison population is overwhelmingly composed of Black men, and many of the rodeo participants identify as Black, there are a disproportionate number of white-identified men who participate in the rodeo compared with the racial make-up

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<sup>37</sup> Jessica Adams, *Wounds of Returning: Race, Memory, and Property on the Postslavery Plantation* (Chapel Hill: University of North Carolina Press, 2007). For more on prison tourism, see Michelle Brown, *The Culture of Punishment: Prison, Society, and Spectacle* (New York: New York University Press, 2009); Kelly Struthers Montford, “Dehumanized Denizens, Displayed Animals: Prison Tourism and the Discourse of the Zoo,” *philoSOPHIA* 6, no. 1 (2016): 73–91; Jacqueline Z. Wilson, Sarah Hodgkinson, Justin Piché, and Kevin Walby, eds., *The Palgrave Handbook of Prison Tourism* (Basingstoke: Palgrave Macmillan, 2017). For more on Louisiana plantation tourism, see Jessica Adams, *Wounds of Returning*; Candace Forbes Bright and Perry Carter, “Who Are They? Visitors to Louisiana’s River Road plantations,” *Journal of Heritage Tourism* 11, no. 3 (2016): 262–274; Tiya Alicia Miles, *Tales from the Haunted South: Dark Tourism and Memories of Slavery from the Civil War Era* (Chapel Hill: University of North Carolina Press, 2015).

<sup>38</sup> Davis, “Town Hall with asha badele and Angela Davis, 11 April 2016”; Angela Davis, “Race and Criminalization,” *The House that Race Built*, edited by Wahneema Lubiano (New York: Vintage Books, 1997), 264–279.

of the overall prison population.<sup>39</sup> Schrift explains, based on interviews conducted at the prison, that perhaps this disproportionality is a result of the fact that:

some inmates, particularly African Americans, assert that the rodeo ridicules its participants as “clowns” or “monkeys”... Given the historical legacy of derogatory representations in popular culture, African American inmates may be more aware of the aspect of ridicule that pervades participation in the rodeo and the particular iconography of the white Western cowboy.<sup>40</sup>

And this history of ridicule and Black lives-as-entertainment traces back much further than popular culture references. The prisoners who Schrift interviews signal an awareness of, and an uneasiness with, plantation histories where those who were enslaved were forced to perform for the slaveholder and family; as Saidiya Hartman argues, the power of the slaveholder was exercised not only through labor but also through leisure: “By encouraging entertainment, the master class sought to cultivate hegemony, harness pleasure as a productive force, and regulate the modes of permitted expression. Slave owners managed amusements as they did labor, with a keen eye toward discipline.”<sup>41</sup> The logic of animality that renders the Black body as entertainment and a subject of ridicule relies on the figure of the animal as a site of entertainment and ridicule as well. These logics of racialization, animalization, and anthropocentrism are deeply intertwined and, importantly, produced by notions of whiteness-as-humanness on the part of the audience and the staff (MC, professional cowboys, warden, and correctional officers) orchestrating this event. Schrift recalls a conversation with an audience member at the Angola Rodeo: “In one rodeo where an African American inmate was running from a bull (with laughter abounding), a spectator commented to me that the rodeo offered one of the last ‘acceptable’ ways to make fun of black people.”<sup>42</sup>

There is something illuminating about the audience finding the rodeo and its violence funny and a legitimate site of ridicule. This is partly rooted in a reification of the absurdity of the racialized cowboy and the persistent imaginary of the whiteness-as-humanness of the settler cowboy. Beenash Jafri analyzes the figure of the racialized cowboy through a reading of the film *Indian Cowboy*; she writes:

If the figure of the cowboy is an icon for an idealized form of American masculine subjecthood, then the figure of the racialized cowboy is articulating something about the relationship between non-whiteness and American masculinity. The racialized cowboy disrupts, on the one hand, the

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<sup>39</sup> Schrift, “The Wildest Show in the South.”

<sup>40</sup> *Ibid.*, 30.

<sup>41</sup> Hartman, *Scenes of Subjection*, 44.

<sup>42</sup> Schrift, “The Wildest Show in the South,” 30.

presumed whiteness of the cowboy, throwing the racialization of settler authority into question. Incredulous and amused responses to the presence of the racialized cowboy, moreover, point to the failure to take seriously (to recognize) the racialized subject playing cowboy. At the same time, desires represented through the racialized cowboy are not meaningless, but are productive of the settler project. These desires, in turn—for recognition, for inclusion, for belonging, for settlement—are constituted through constructions of race, gender, and sexuality.<sup>43</sup>

The racialized cowboy as entertainment that is produced at the Angola Rodeo, even as it seems to disrupt the figure of the white cowboy, in fact, reinforces (through rendering the racialized cowboy funny) the reification of whiteness that is so integral to the ongoing settler-colonial project.

These complex dynamics of racialization and anthropocentrism are organized at the Angola Rodeo around a country fair geography. A large field is dedicated as a parking lot and fair foods, souvenirs, and crafts are available for purchase. However, the key difference between the Angola Rodeo and a county fair is that it is, obviously, geographically located within the prison. Entering the prison grounds, rodeo-goers are searched for food, water, weapons, cameras, and other contraband. Once inside, there is an odd feeling that the space is part Southern plantation prison, part “Wild West”: the space has been transformed into the aesthetic of the Western rodeo with its iconography of the cowboy, “wild” and “dangerous” rodeo animals waiting in pens, the rodeo arena itself, and cowboy attire worn by some attendees, participants, and announcers. But the correctional officers, the smells of Southern food offerings, and the Southern accents permeating the space persist as reminders that this “Wild West” is a performance that falls away when the rodeo is over.

At the center of the rodeo grounds is a large arena with dirt floor for the rodeo events and bleachers extending up from the ground. “Inmate spectator” sections are caged in, with chain-link fencing and razor wire, directly adjacent to the open bleachers for paying patrons, exacerbating the distinction between those prisoners who are confined to the prison grounds (literally in a cage) and the members of the public who are free to come and go as they please. Simone Browne’s theorization of the “surveillance of blackness” is articulated in this caged spectator section and articulates with Fanon’s notion of the “white gaze” that operates to Other those incarcerated at the rodeo, through surveillance by the correctional officers, the incarcerated spectators’ hypervisibility, and the voyeuristic gaze of the mostly white audience at the criminality of the caged Black men on display.<sup>44</sup> And indeed, I noted the way in which the paying audience members stole furtive glances at the “Inmate Spectator” section, glances that extended into long lingering stares at the men seated there, watching the rodeo. But

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<sup>43</sup> Jafri, “Desire, Settler Colonialism, and the Racialized Cowboy,” 74.

<sup>44</sup> Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Durham, NC: Duke University Press, 2015); Franz Fanon, *Black Skin, White Masks* (New York: Grove Press, 2008 [1967]).

this was not a one-way stare; many of the men seated at the edges of the prisoner spectator section were more interested in watching the audience and chatting with audience members seated on the other side of the chain-link fence than they were in watching the rodeo. While a fuller exploration of the gaze of the Black prisoner would require more research, it is worth noting that this was just one aspect of the dynamics unfolding at the rodeo that rendered whiteness a spectacle, and that disrupts a theorization of racialization that relies disproportionately on an objectification of blackness.

The danger of the rodeo was implicitly acknowledged in the presence of ambulances that parked at both ends of the arena, their back doors open, ready to receive an injured rodeo rider. The remainder of the rodeo grounds are dedicated to food booths (Louisiana fare such as gumbo, deep-fried frog legs, and jambalaya, as well as foods typical of US fairgrounds, like blooming onions, funnel cakes, and lemonade) and a large Inmate Arts Festival tended by prisoners whose good behavior grants them permission to sell their crafts to rodeo attendees. Crafts on offer included carved wood crafts, jewelry, paintings, and leather products like belts, bible covers, and purses—made from the hides of animals raised for beef at the prison. And, in fact, you see these animals as you drive into the prison past fields where cows and horses are grazing—on hundreds of acres. The aesthetic effect of these fields and the animals on the range draw together the visual geography of the South (bordered by the Mississippi River—the dividing line between east and west, and its historic role in the slave trade and plantation economies) with the West (and its sprawling grasslands, cleared for ruminants' grazing, and its violent settler-colonial histories of expansion).

## Colonial encounters in the meeting of the South and the West

Where the South and the West meet at the Angola Rodeo is an entanglement of colonial histories that make violent colonial presents for both human and animal lives. Louisiana represents an overlapping geography of the South and the West with its Southern roots in plantation slavery and its cultural Southern-ness, paired with its close proximity to Texas and histories of cows being driven east to Louisiana from Texas in the early- to mid-1800s to transport them up the Mississippi. The state is a transitional kind of space between these imagined regional geographies and their material consequences. These distinct colonial histories (of the Southern colonialism of plantation slavery and the settler colonialism of the West) resonate not only in place-making surrounding the plantation and the prison, but also in the domestication and farming of animals, and the meeting of the logics of plantation tourism of the South with rodeo performances of the West. Jessica Adams writes on the Angola Rodeo, in her book *Wounds of Returning*:



We might say that rodeo is to the West what plantation tourism is to the South, a nostalgic performance of its mythology. But the Angola Rodeo, in which inmates... are the contestants, connects rodeo's myths of freedom directly with the opposite of freedom—incarceration and the plantation as a “metonym for American disciplinarity”. Western myths inform southern landscapes, in the process exposing the violence of nostalgia. As slavery and the penitentiary are magnified by violent desires of the frontier, it becomes obvious that, as Richard Slotkin writes, myths have the capacity to “reach out of the past to cripple [sic], incapacitate, or strike down the living”.<sup>45</sup>

US patriotism floods the rodeo discourse: at the start of the rodeo, the MC (a middle-aged, white, Southern man) said, “We’re in a place where the word freedom comes to mind!” and the primarily white, Southern audience cheered wildly, followed by a dramatic playing of Taps on a bugle. The Angola Rough Riders gallop into the arena on horses, flying the flag of the United States alongside the Confederate flag. The legacy of the South (slavery, the Confederate states, the preservation of overt racism) is called up in the Black prisoner who rides into the arena—in black-and-white striped shirt—carrying the Confederate flag. In the midst of this landscape, an imaginary of freedom is reproduced between the white MC, the white warden, and the primarily white audience—all of whom might be able to imagine that this is what freedom looks like: an “Inmate Spectator” cage full of Black men, criminalized and locked away; farmed animals dominated and in their rightful place of service and subjugation; the Confederate flag as a nostalgic reminder of the past days (that are not the past) of glory and white supremacy. The irony of the imaginary of freedom in such a place of human and nonhuman incarceration and captivity, domestication, and discipline was hard to ignore. Freedom for whom?

The histories of the South and the West—and their present manifestations of freedom and incarceration—merge at the rodeo and a more enriched politics of place in the present is possible if we consider multispecies lives and labors in these contexts. This is articulated, for instance, in practices of farming and ranching—and the historical and contemporary appropriation of animal lives in these spaces. David Nibert offers a historical account of animal domestication as colonization (a process he renames domesecration to emphasize and denaturalize its violent impacts), which puts forth a counter-discourse to the dominant narrative that domestication was a mutually beneficial process for humans and animals.<sup>46</sup> He traces histories of domestication and early instances of human slavery and argues that these histories are not only deeply entangled, but foundational for the growth of capitalism. As animals were domesticated, human slavery was justified as a form of labor to care for the newly domesticated

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<sup>45</sup> Adams, *Wounds of Returning*, 140.

<sup>46</sup> Nibert, *Animal Oppression and Human Violence*.

farmed animals; thus, the extraction of both human and animal labor was integral for the global accumulation of capital.<sup>47</sup>

In addition to being colonized beings themselves, farmed animals—and the cow and the horse in particular—were also used by white settler cowboys as tools of colonization in the so-called settling of the US West. Virginia Anderson argues that settlers used “cattle” farming and ranching practices as both justification and material means for the genocide and displacement of Indigenous communities as well as the destruction of native animal species and prairie ecosystems in places throughout the West.<sup>48</sup> In short, white settlers deployed cows to physically take up space, and their presence changed the landscape through their grazing impact on the land itself and in the need for fencing to demarcate and lay claim to land as property.<sup>49</sup> Horses were also appropriated by white settlers (“broken” through capture and training to domesticate them) who leveraged them as multi-purpose living, colonized instruments—as modes of transport, herding, war making, and as key actors in the domestication of new animals like wild horses and bison. The white settler cowboy, then, positioned himself as a particular kind of human, first through a colonization of animal bodies. Importantly, animals were used as tools, but they were not merely tools in the settler-colonial project; their animality was foundational to the conceptual framework that drove settler colonialism. And this framework of animality propelled white settlers’ use of animals in the genocide, displacement, and dispossession of Indigenous peoples from their land and solidified a second layer of defining the human. The supremacy of whiteness (and white masculinity in particular) that the white settler cowboy engenders became the legitimate (Manifest Destiny-justified) figure of the human in the settler-colonial project. And this figure of the human was then used to cement a system of value that had to be defined in relation to what it was not:<sup>50</sup> the white, masculine, lone cowboy, or the white heteronormative settler family structure that the cowboy protects or cleared the way for, defined as human in opposition to Indigenous family and community structures, traditions, and ways of living. Modern farming and ranching, then—along with celebrations of the frontier West, like the rodeo—are political practices of violence that sustain these taxonomic orderings.

This history was not, in fact, lost at the Angola Rodeo—in fact, one event involved a deeply racist performance of the “settling” of the West. Three bison were let out into the ring—bison who the MC claimed were “as wild as the West.” As he spoke, they flopped down and rolled in the dirt, enjoying a dust bath. Next, several white men dressed as Native American riders wearing the skins of bison rode out into the ring, followed by white men dressed as cowboys with guns firing at them. The bison stood

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<sup>47</sup> Ibid.

<sup>48</sup> Virginia Anderson, *Creatures of Empire: How Domestic Animals Transformed Early America* (Oxford: Oxford University Press, 2006).

<sup>49</sup> Ibid.

<sup>50</sup> Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012).

in the center of the ring, unperturbed. The MC described how the “Wild West” was tamed by the “White Man” as they reenacted, by shooting (with blanks) the bison and the white-men-as-Native-American riders, “how the West was won.” This performance and the white men dressed up in stereotyped Native American dress simultaneously recalled and erased the violence of settler colonialism in its glorification and rewriting of this history—a literal disappearance in Indigenous people from the land, compounded by the reification of whiteness that performed this scene. A few moments later, a semi-truck drove out into the arena, and the bison (clearly trained to do so) were herded up a ramp on the back of the truck. The truck itself was also a reminder of development and commerce across Western North America—a symbol of the interstate highway system that cuts through the landscape and whose construction enabled further violence on animal habitats and rural human geographies.

The perceived “wildness” of the West was recalled again and again throughout the rodeo events, enacted mostly through the bodies of the animals in the rodeo ring. But the disjuncture in the actual behavior of the animals was not difficult to discern—these animals were not, in fact, “wild,” but domesticated and trained, as was demonstrated when the bison casually walked up the ramp and onto the truck. For the “Bucking Bronco” event, the horses were fitted with a flank strap, which encourages them to buck and perform “wildness,” throwing the riders from their backs and sometimes trampling them in their erratic movements.

The incarcerated rodeo riders are at the heart of this rodeo spectacle. Dressed in black-and-white striped shirts, blue jeans, and boots, their role in the rodeo is complicated. The proceeds from the rodeo fund the “Inmate Welfare Fund” and provide the main form of support for programs that make life in the prison marginally livable—the GED program (the General Equivalency Diploma as an alternative to completing high school/secondary education), the prison magazine (called the *Angolite*), along with other classes and activities that otherwise go unfunded by the state or institutional budget. Thus, to a certain extent, incarcerated men are incentivized to put themselves at risk and ride in the rodeo. But on the other hand, in interviews with Angola rodeo riders, Daniel Bergner found that participation in the rodeo was, for many, a source of pride, privilege, and glory.<sup>51</sup> The MC informed us at the start of the rodeo that the prisoners “may not have been cowboys when they came to Angola, but they have earned the right to be so today.” If the cowboys are, at least in part, a symbol of US patriotism, honor, and a rugged masculinity, then granting men incarcerated at the prison “the right to be a cowboy” is perhaps a mode of granting them momentary citizenship or “humanity” (in the white, Western, man formulation of humanity). What is often routinely lost in being incarcerated—dignity, full citizenship, being recognized as human—is dangled at the rodeo through the MC’s narratives of redemption and through suggestions of reclaiming what it means to be human.

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<sup>51</sup> Bergner, *God of the Rodeo*.

Before visiting Angola, I had imagined that the rodeo was a site in which the prisoners would perform both their masculinity (as rodeos are commonly performances of masculinity) and their humanity in the routinely “dehumanizing” space of the prison. I imagined that it may be through the act of dominating or conquering the animal in the rodeo ring that a performance of humanity—a reinforcing of the perceived human–animal divide—might be enacted. However, in the moment of the rodeo, I sensed that there was something more complicated going on. As a white spectator-observer researcher in the mostly white audience, my own participation and presence in this space worked to solidify histories of racial inequality and uneven power relations in knowledge production, even as my own commitments remain embedded in working to undo this violence. This is a dimension of fieldwork that I worry over with increasing intensity. I have written elsewhere, for instance, about the deep anthropocentrism at work in social scientific tendencies toward conducting fieldwork in spaces of violence against animals; the expectation to view violence problematically normalizes violence against animal bodies and solidifies the human–animal binary in the relationship between researcher and researched.<sup>52</sup> In the space of the rodeo, there was again this dynamic of uneven anthropocentrism in my role as spectator and the nonhuman animals in the ring. But the racialized bifurcation of blackness/whiteness, of incarcerated/nonincarcerated, of entertainers/audience eclipsed (or rather, intensified) this earlier concern, and called up profound anxieties over the ethics of complicity and participation and/or presence as a white academic and ongoing racialized violence in knowledge production in the Western academy. Indeed, these experiences have made me fundamentally question the ethics of conducting fieldwork more generally.

As a white audience member, I also paid attention to how other members of the primarily white audience responded to the prisoner riders. However, they seemed to commiserate with the prisoners—gasping as they fell off the animals and were trampled, holding their breath when a rider was knocked unconscious and wasn’t getting up, and then cheering when he finally managed to stand. This might be read as a way in which their vulnerability made the prisoners more human (although likely not seen as equally or fully human)—more real, an embodiment of redemption—for the audience. They could identify with the rush of an event win for the rodeo rider, and the disappointment of failure. But another way of reading this is that the mostly white, nonincarcerated audience also had an integral part to play in the spectacle of the rodeo. It was through the white bodies in the audience, as living embodiments of the settler-colonial project, who could enter and leave this space freely and who paid admission to play this role that the animality and criminality of the incarcerated rodeo participants and the Black prisoners in the caged spectator section were sustained. White audience members actively performed the persistent entitlement to space, to Black and incar-

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<sup>52</sup> Kathryn Gillespie, *The Cow with Ear Tag #1389* (Chicago, IL: University of Chicago Press, 2018).

cerated lives as entertainment, and to a naturalized vision of settler-colonial society built on genocide and enslavement.

The rodeo—any rodeo—is, of course, a spectacle, performed as a source of entertainment. And so, on one hand, the act of the audience viewing the human and animal participants in the rodeo is an expected and mundane dimension of the event, whether it takes place in a prison or not. And yet, in this space, in the plantation-prison rodeo, the political nature of this viewing is heightened. It cannot be divorced from its historical roots of recollection of the white settler cowboy conjured to embody and protect whiteness, the heteronormative family structure, and the persistent formulation of animality and blackness through which white-masculinity-as-humanness is reinforced. Writing on prison and zoo tourism, Kelly Struthers Montford points out that “the human/animal dualism is deployed to establish certain humans and animals as subjects of objectification and therefore viewable captives.”<sup>53</sup> Indeed, the act of looking is embedded with uneven hierarchies of power, and the reality of being inescapably looked at or surveilled as captive beings (both human and animal) erodes a fundamental sense of dignity.<sup>54</sup> On their own experience of being incarcerated, Bryant et al. explain:

our every movement is watched or recorded. As we walk through the halls, guards stare. As we eat, they hover. As we talk on the phone, they listen. When we are not under the steady gaze of a guard, we are being recorded by cameras. One prisoner described it as “stalking.”<sup>55</sup>

The rodeo operates as a heightened site of viewing; men incarcerated at Angola, whose lives are already tightly surveilled, become publicly viewable in front of an audience of prison rodeo tourists.

These dynamics of viewing and the performance of sympathy for the fallen riders—the gasps, the oooohs and aaaahs, and the cheers—were part of the creation of the rodeo (and blackness and animality) as spectacle. Integral to this performance, though, was the disposability and interchangeability of the animals and riders. If one rider was injured, another would take his place and the audience would soon forget the rider who had left the ring. The show was orchestrated by white professional cowboys riding around the outskirts of the ring, herding the animals and the incarcerated riders out of the ring at the end of each event, loosening the flank straps on the horses so they could be returned to their pens, and checking on fallen riders to ensure they were not badly injured. The white MC’s narration of the event spoke directly to the audience, reinforcing the supremacy of whiteness and non-criminality, celebrating settler colonialism, and articulating nostalgia for the Confederacy. The MC also told the audience how to

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<sup>53</sup> Montford, “Dehumanized Denizens, Displayed Animals,” 78.

<sup>54</sup> Lori Gruen, “Dignity, Captivity, and an Ethics of Sight.” *The Ethics of Captivity*, edited by Lori Gruen (New York: Oxford University Press, 2014), 231–247, 240.

<sup>55</sup> John Bryant, James Davis, David Haywood, Clyde Meikle, and Andre Pierce, “Life behind Bars.” *The Ethics of Captivity*, edited by Lori Gruen (Oxford: Oxford University Press, 2014), 102–112, 105.

feel. When a man was knocked out and finally regained consciousness, the MC made a joke of it: “No matter what you dream, you’re still at Angola—you’re stuck here.” Then he transitioned quickly to a New Orleans Saints football score update. And so the audience was reminded in not-so-subtle ways to take the violence operating in the rodeo lightly and to remember that, at the end of the day, these were prisoners and animals who could be easily left and forgotten within the fences and razor wire of the prison. Adams explains that “the term ‘prison rodeo’ signals the dual incorporation of dreams about what America means within the bodies of those whom society as a whole has segregated, cast off, ejected from its center.”<sup>56</sup> Whiteness-as-humanness, then—of the audience, the MC, the warden, the professional cowboys, my role as a researcher—actively produces blackness, criminality, and animality in this space. Rather than asserting merely another reading of Black suffering or of violence against animals, the starkness of how these relations play out at the Angola Rodeo offers an opportunity to deconstruct the ontological foundations of human/subhuman/nonhuman that underwrite not just this space but more mundane and everyday practices of living.

## Conclusions: race, animality, and the animal

One way of theorizing what’s happening at the Louisiana State Penitentiary is to think about mass incarceration and criminalization, its highly racialized dimensions, and its reproduction of histories of plantation slavery as a process of continual dehumanization and animalization. And much critical scholarship framed around human rights and non-violence takes this approach, arguing for a more inclusive conceptualization and embodied practice of what it means to be human and how the human is defined, contested, and articulated.<sup>57</sup>

At the same time, there remains—in critical academic scholarship—a level of unwillingness to think seriously about nonhuman animals as subjects of violence, power, and dispossession. Kim and Freccero argue that this resistance “signifies the a priori refusal to think through the fact that ‘the animal’ was made and not born.”<sup>58</sup> How the animal has been made is an essential site of critique, not only for scholars concerned with human–animal relations but also for critical race and postcolonial/decolonial theorists. The “animal” as a socially constructed lesser status—whether it is applied to human or nonhuman lives and bodies—enables social relations often characterized by complete and largely unquestioned commodification, violent bodily appropriation, dispossession, exploitation, and malleability or fungibility in service to the accumulation of capital

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<sup>56</sup> Adams, *Wounds of Returning*, 141.

<sup>57</sup> Will Kymlicka, “Human Rights without Human Supremacism.” *Canadian Journal of Philosophy* 48, no. 6 (2018): 763–792.

<sup>58</sup> Claire Jean Kim and Carla Freccero, “Species/Race/Sex: A Dialogue.” *American Quarterly* 65, no. 3 (2013), 463.

and the white/human supremacy.<sup>59</sup> To be treated “like an animal” indicates substandard or inhuman treatment. A subject of critique when it applies to humans, this substandard treatment remains acceptable when animals are treated “like animals.”

Scholarly or activist discourses that note the animalization or dehumanization of people of color or people with low income regularly maintain the subordination of “the animal” as a category. As Syl Ko explains:

Notice that there is an open acceptance of the negative status of “the animal” here which, as I see it, is a tacit acceptance of the hierarchical racial system and white supremacy in general. The human-animal divide is the ideological bedrock underlying the framework of white supremacy. The negative notion of “the animal” is the anchor of this system. “White” is not just the superior race; it is also the superior mode of being. Residing at the top of the racial hierarchy is the white human, where species and race coincide to create the master being. And resting at the bottom as the abject opposite of the human, of whiteness, is the (necessarily) nebulous notion of “the animal.”<sup>60</sup>

Maneesha Deckha, writing on formulations of the human and subhuman in this context, highlights why it is important to understand the role of these human/animal or human/subhuman binaries as key features of racialization, bodily violence, and exclusion.<sup>61</sup> Deckha uses an example from Razack’s work on US military detention camps (like Guantanamo Bay and Abu Ghraib) and the modes of racialized violence with which US military personnel treat Muslim detainees.<sup>62</sup> Deckha argues that it is:

“species thinking” that helps to create the racial demarcation... Racialization is not enough and does not complete their Othering experience. Rather, they must be dehumanized for the larger public to accept the violence against them and the increasing “culture of exception” which sustains these human bodily exclusions.<sup>63</sup>

Considering the entanglements of violence and colonization of human and nonhuman lives in a site like the Angola Rodeo helps to reveal the ways in which conceptions of the human, subhuman, and nonhuman make certain lives killable, disposable, and forgettable in political economies tied to colonial histories of violence and domination.

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<sup>59</sup> On fungibility, see Tiffany Lethabo King, “The Labor of (Re)Reading Plantation Landscapes Fungible(ly).” *Antipode* 48, no. 4 (2016): 1022–1039; Frank Wilderson, *Red, White, and Black* (Durham, NC: Duke University Press, 2010).

<sup>60</sup> Ko, “Addressing Racism Requires Addressing the Situation of Animals,” 45.

<sup>61</sup> Deckha, “The Subhuman as a Cultural Agent of Violence.”

<sup>62</sup> *Ibid.*; Sherene Razack, *Casting Out: The Eviction of Muslims from Western Law and Politics* (Toronto: University of Toronto Press, 2007).

<sup>63</sup> Deckha, “The Subhuman as a Cultural Agent of Violence,” 38.

The particular kind of Southern US patriotism at the rodeo that relies on a conception of “freedom” entangled with racialized histories of exclusion and social death betray the ways in which the United States as a nation-making project was founded on notions of animality and whiteness-as-humanness that legitimized the genocide and enslavement of Indigenous and Black people. What is also apparent are the ways in which the United States is built on foundational and contemporary enactments of animals’ involvement in the colonial project—both as colonized lives and as tools of colonization.

Bringing together these unique geographies and distinct historically informed forms of violence is a difficult and uneasy task and, through this preliminary fieldwork at the Angola Rodeo, I have been struck by the ways in which patriotism, political economy, and contemporary politics of place in the present readily strip lives of their dignity and agency in the most fundamental ways. This becomes all the more obvious in the stark relief of the prison rodeo where visitors can move freely through the rodeo grounds and in and out of the prison gates—as tourists in the prison industrial complex, and in the contemporary plantation tourism industry.

Adams writes about the plantation tourism economy, saying, “Ecstasy, sensation, holiday, plantation, colonial—leisure blends with commerce and motifs of oppression in the rhythmic pulse of postslavery geographies, reminding us to attend to the revelations of the mundane.”<sup>64</sup> This is true of the prison rodeo as spectators travel to the rodeo for fun and leisure and to buy inexpensive crafts to take back home. If we “attend to the revelations of the mundane” at the Angola Rodeo, this attention shows that incarcerated spectators are caged, surveilled by guards at every moment, every action tightly monitored and controlled so that sneaking a drag of a cigarette might become an act of resistance or defiance—not standing or putting a hand on the heart for the National Anthem at the start of the rodeo might become a mode of reclaiming agency and autonomy. These actions are perhaps a tacit rejection of the settler colonialism and plantation slavery on which that National Anthem was founded. This attention also reveals that the rodeo is an event where some of the men selling crafts can spend the day visiting with their families who have come out for the event, and some of the men sit alone at their booths with no one visiting. The political economy of the prison is made visible in the prisoners who labor in the surrounding fields—fields that not too long ago were growing the same crops under the plantation slavery economy. And we see that this colonial legacy is alive and well in the racialized social structures that disproportionately incarcerate people of color.

If we “attend to the revelations of the mundane” at Angola, we also see that animals are entrenched in ongoing colonial practices of farming in the form of labor: plows are pulled by workhorses and horses are used for wrangling cows and for transporting guards who oversee the farm labor. Cows are raised for beef: bred, castrated, branded, raised, and slaughtered as domesticated beings for a US staple (“beef, it’s what’s for dinner!”). And finally, animals are enrolled in the rodeo performance—as “wild” creatures

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<sup>64</sup> Adams, *Wounds of Returning*, 20.



to be dominated, tamed, and subordinated—as simultaneously valuable and disposable bodies. They are meticulously cared for due to their cost and breeding, but quickly shot if they are injured—not worth the cost and trouble of veterinary care.

The Angola Rodeo is a site layered with historical and contemporary violence that is deeply racialized and at the same time reliant on the real and imagined figure of the animal and animality as a fundamental site of dominance and subordination—through the animalization of men incarcerated at the prison, and through the routine animalization of farmed animals throughout the institution of agriculture that spans economies in the South and West. Patriotism and nostalgia for the plantation and “Wild West” operate to normalize, celebrate, and erase this violence. Adams writes:

the rodeo becomes a means by which nostalgia, longing, and fascination can be openly indulged for the price of gas and a ticket; the frontier West and the expanse of plantation history meet in the immediacy of confined bodies in motion.<sup>65</sup>

In the spirit of contributing to the conversation in radical geography on these multispecies entanglements of coloniality, race, and animality, I suggest that attending to the multispecies dimensions of these “bodies in motion” reveals the ways in which hierarchies of power and inequality, historical and present social relations span across species boundaries, producing and reproducing one another. These are boundaries that do violence; preserving “the animal” as an exploitable, subordinate figure maintains a category that makes it acceptable to visit violence on a living, feeling being. Studying the lives and labors of nonhuman animals is a way to highlight how hierarchical logics that operate to make some lives matter very little or not at all because these hierarchical logics are so visible across species difference.

This disposability and the (im)possibility of caring for certain lives underpin the historically contextualized politics of Angola in the present. A multispecies approach to theorizing violence, coloniality, and confinement informs radical geographies concerned with the way places are made, reproduced, and politics enacted. Violence resonates and is sustained through time in a place like Angola, as the racial violence of the plantation lives on in the racial violence of the prison as a site of mass incarceration. This violence traces through the spaces of confinement and lives confined at the prison—lives that are, importantly, not limited to the human realm. A more complete landscape of the politics of place in the present is visible if we attend to both human and nonhuman life and embodied particularities in this context. These politics also involve a speculative consideration of the possibilities for the ways in which decolonial theory and praxis might be enriched when we consider how racialization, settler colonialism, and anthropocentrism are mutually constituted.

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<sup>65</sup> Ibid., 141.

## References

Adams, Jessica. *Wounds of Returning: Race, Memory, and Property on the Post-slavery Plantation*. Chapel Hill: University of North Carolina Press, 2007.

Ahuja, Neel. "Postcolonial Critique in a Multispecies World." *PMLA* 124, no. 2 (2009): 556–563.

———. *Bioinsecurities: Disease Interventions, Empire, and the Government of Species*. Durham, NC: Duke University Press, 2016.

Alexander, Michelle. *The New Jim Crow*. New York: New Press, 2007.

Anderson, Kay. *Race and the Crisis of Humanism*. London: Routledge, 2007.

———. "Mind Over Matter? On Decentring the Human in Human Geography." *Cultural Geographies* 21, no. 1 (2014): 3–18.

Anderson, Virginia. *Creatures of Empire: How Domestic Animals Transformed Early America*. Oxford: Oxford University Press, 2006.

Angola Museum. "History of Angola Prison." Accessed March 25, 2017. [www.angolamuseum.org/history/history/](http://www.angolamuseum.org/history/history/).

———. "Rodeo History: 40 Years of Guts and Glory." Accessed March 25, 2017. [www.angolamuseum.org/history/archived-articles/rodeo-history/](http://www.angolamuseum.org/history/archived-articles/rodeo-history/).

Armstrong, Philip. "The Postcolonial Animal." *Society and Animals* 10, no. 4 (2002): 413–419.

Baptist, Edward. *The Half Has Never Been Told: Slavery and the Making of American Capitalism*. New York: Basic Books, 2014.

Belcourt, Billy-Ray. "Animal Bodies, Colonial Subjects: (Re)locating Animality in Decolonial Thought." *Societies* 5, no. 1 (2015): 1–11.

———. "A Poltergeist Manifesto." *Feral Feminisms* 6 (2016): 22–32.

Bergner, Daniel. *God of the Rodeo: The Search for Hope, Faith, and a Six-Second Ride in Louisiana's Angola Prison*. New York: Crown, 1998.

Bright, Candace Forbes and Perry Carter. "Who Are They? Visitors to Louisiana's River Road Plantations." *Journal of Heritage Tourism* 11, no. 3 (2016): 262–274.

Brown, Michelle. *The Culture of Punishment: Prison, Society, and Spectacle*. New York: New York University Press, 2009.

Browne, Simone. *Dark Matters: On the Surveillance of Blackness*. Durham, NC: Duke University Press, 2015.

Bryant, John, James Davis, David Haywood, Clyde Meikle, and Andre Pierce. "Life behind Bars." In *The Ethics of Captivity*, edited by Lori Gruen, 102–112. Oxford: Oxford University Press, 2014.

Cacho, Lisa Marie. *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected*. New York: New York University Press, 2012.

Cain, Burl. "Angola Rodeo—Advertising." Accessed March 25, 2017. <http://angolarodeo.com/?q=Advertise>.

Coulthard, Glen. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. Minneapolis: University of Minnesota Press, 2014.

- Davis, Angela. "Race and Criminalization." In *The House that Race Built*, edited by Wahneema Lubiano, 264–279. New York: Vintage Books, 1997.
- . "Town Hall with Asha Badele and Angela Davis, 11 April 2016." Accessed March 25, 2017. <https://soundcloud.com/kirsten-west-savali>.
- Deckha, Maneesha. "The Subhuman as a Cultural Agent of Violence." *Journal of Critical Animal Studies* 8, no. 3 (2010): 28–51.
- . "Toward a Postcolonial, Posthumanist Feminist Theory: Centralizing Race and Culture in Feminist Work on Nonhuman Animals." *Hypatia* 27, no. 3 (2012): 527–545.
- Elder, Glen, Jennifer Wolch, and Jody Emel. "Race, Place, and the Bounds of Humanity." *Society and Animals* 6, no. 2 (1998): 183–202.
- Fanon, Franz. *Black Skin, White Masks*. New York: Grove Press, 2008 [1967].
- Fischer, John Ryan. *Cattle Colonialism: An Environmental History of the Conquest of California and Hawai'i*. Chapel Hill: University of North Carolina Press, 2015.
- García, María Elena. "The Taste of Conquest: Colonialism, Cosmopolitics, and the Dark Side of Peru's Gastronomic Boom." *Journal of Latin American and Caribbean Anthropology* 18, no. 3 (2013): 505–524.
- . "Love, Death, Food, and Other Ghost Stories: The Hauntings of Intimacy and Violence in Contemporary Peru." In *Economies of Death: Economic Logics of Killable Life and Grievable Death*, edited by Patricia J. Lopez and Kathryn A. Gillespie, 160–178. London: Routledge, 2015.
- Gillespie, Kathryn. "Sexualized Violence and the Gendered Commodification of the Animal Body in Pacific Northwest U.S. Dairy Production." *Gender, Place, and Culture* 21, no. 10 (2014): 1321–1337.
- . *The Cow with Ear Tag #1389*. Chicago, IL: University of Chicago Press, 2018.
- Gilmore, Ruth Wilson. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley: University of California Press, 2007.
- Glick, Megan. "Animal Instincts: Race, Criminality, and the Reversal of the 'Human'." *American Quarterly* 65, no. 3 (2013): 639–659.
- Gruen, Lori. "Dignity, Captivity, and an Ethics of Sight." In *The Ethics of Captivity*, edited by Lori Gruen, 231–247. New York: Oxford University Press, 2014.
- Haritaworn, Jinthana. "Decolonizing the Non/Human." *GLQ* 21, nos. 2/3 (2015): 210–213.
- Hartman, Saidiya. *Scenes of Subjection: Terror, Slavery, and Self-making in Nineteenth-Century America*. Race and American Culture. New York: Oxford University Press, 1997.
- Jackson, Zakkiyah Iman. "Animal: New Directions in the Theorization of Race and Posthumanism." *Feminist Studies* 39, no. 3 (2013): 669–685.
- . "Outer Worlds: The Persistence of Race in Movement 'Beyond the Human'." *GLQ* 21, nos. 2/3 (2015): 215–218.

- Jafri, Beenash. "Desire, Settler Colonialism, and the Racialized Cowboy." *American Indian Culture and Research Journal* 37, no. 2 (2013): 73–86.
- Johnson, Jay T. and Brian Murton. "Re/placing Native Science: Indigenous Voices in Contemporary Constructions of Nature." *Geographical Research* 45, no. 2 (2007): 121–129.
- Kim, Claire Jean. *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age*. Cambridge: Cambridge University Press, 2015.
- Kim, Claire Jean and Carla Freccero. "Species/Race/Sex: A Dialogue." *American Quarterly* 65, no. 3 (2013): 461–479.
- King, Tiffany Lethabo. "The Labor of (Re)Reading Plantation Landscapes Fungible(ly)." *Antipode* 48, no. 4 (2016): 1022–1039.
- Ko, Syl. "Addressing Racism Requires Addressing the Situation of Animals." In *Aphro-ism*, edited by Aph Ko and Syl Ko, 44–49. New York: Lantern Books, 2017.
- Kymlicka, Will. "Human Rights without Human Supremacism." *Canadian Journal of Philosophy* 48, no. 6 (2018): 763–792.
- Livingston, Julie and Jasbir Puar. "Interspecies." *Social Text* 29, no. 1 (2011): 3–14.
- Mauer, Marc. *Race to Incarcerate*. New York: New Press, 1999.
- McKittrick, Katherine. *Demonic Grounds: Black Women and the Cartographies of Struggle*. Minneapolis: University of Minnesota Press, 2006.
- . "Plantation Futures." *Small Axe* 17, no. 3 (2013): 1–15.
- . ed. *Sylvia Wynter: On Being Human as Praxis*. Durham, NC: Duke University Press, 2015.
- McKittrick, Katherine and Clyde Woods, eds. *Black Geographies and the Politics of Place*. Toronto: Between the Lines, 2007.
- Miles, Tiya Alicia. *Tales from the Haunted South: Dark Tourism and Memories of Slavery from the Civil War Era*. Chapel Hill: University of North Carolina Press, 2015.
- Morin, Karen. "Carceral Space: Prisoners and Animals." *Antipode* 48, no. 5 (2016): 1317–1336.
- Muñoz, José Esteban. "Theorizing Queer Inhumanisms." *GLQ* 21, nos. 2/3 (2015): 209–248.
- Nibert David. *Animal Oppression and Human Violence: Domesecration, Capitalism, and Global Conflict*. New York: Columbia University Press, 2013.
- Philo, Chris and Chris Wilbert, eds. *Animal Spaces, Beastly Places: New Geographies of Human-Animal Relations*. London: Routledge, 2000.
- Razack, Sherene. *Casting Out: The Eviction of Muslims from Western Law and Politics*. Toronto: University of Toronto Press, 2007.
- Schrift, Melissa. "The Wildest Show in the South: The Politics and Poetics of the Angola Prison Rodeo and the Inmate Arts Festival." *Southern Cultures* 14, no. 1 (2008): 22–41.
- Smith, Andrea. "Indigeneity, Settler Colonialism, White Supremacy." In *Racial Formation in the 21st Century*, edited by Daniel Martinez HoSang, Oneka LaBennett and Laura Pulido, 66–90. Berkeley: University of California Press, 2012.

Struthers Montford, Kelly. "Dehumanized Denizens, Displayed Animals: Prison Tourism and the Discourse of the Zoo." *philoSOPHIA* 6, no. 1 (2016): 73–91.

Sundberg, Juanita. "Decolonizing Posthumanist Geographies." *Cultural Geographies* 21, no. 1 (2014): 33–47.

Tallbear, Kim "An Indigenous Reflection on Working Beyond the Human/Not Human." *GLQ* 21, nos. 2/3 (2015): 230–235.

Thomas, Susan and Laura Shields. "Prison Studies and Critical Animal Studies: Understanding Interconnectedness Beyond Institutional Comparisons." *Journal for Critical Animal Studies* 10, no. 2 (2012): 4–11.

Tolino, Vanessa. "Louisiana State Penitentiary at Angola." In *Know Louisiana: Encyclopedia of Louisiana*, edited by David Johnson. New Orleans: Louisiana Endowment for the Humanities, 2013. [www.knowlouisiana.org/entry/louisiana-state-penitentiary-at-angola](http://www.knowlouisiana.org/entry/louisiana-state-penitentiary-at-angola).

Weaver, Harlan. "'Becoming in Kind': Race, Class, Gender, and Nation in Cultures of Dog Rescue and Dogfighting." *American Quarterly* 65, no. 3 (2013): 689–709.

Weheliye, Alexander. *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human*. Durham, NC: Duke University Press, 2014.

Wilderson, Frank. *Red, White, and Black*. Durham, NC: Duke University Press, 2010.

Wilson, Jacqueline Z., Sarah Hodgkinson, Justin Piché, and Kevin Walby, eds. *The Palgrave Handbook of Prison Tourism*. Basingstoke: Palgrave Macmillan, 2017.

Wolch, Jennifer and Jody Emel, eds. *Animal Geographies: Place, Politics, and Identity in the Nature-Culture Borderlands*. London: Verso, 1998.

Wynter, Sylvia. "Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, its Overrepresentation—An Argument." *CR: The New Centennial Review* 3, no. 3 (2003): 257–337.

# 12 Towards a theory of multi-species carcerality

Kelly Struthers Montford

## Introduction

Imprisonment is rarely thought together with ecological harm. There are, however, notable recent exceptions. Grassroots organizations such as the Campaign to Fight Toxic Prisons (a collaboration with the Abolitionist Law Centre), and the Prison Ecology Project seek to document the intersections of mass imprisonment and environmental degradation and harms.<sup>1</sup> For example, these groups provide evidence on and campaign against prisons being on or near contaminated grounds, the building of prisons in proximity to nuclear waste and coal mines, and advocate and file lawsuits on behalf of prisoners exposed to contaminated drinking water, such as that containing arsenic, being bright orange in colour, and those exposed to overflowing/flooding sewage for prolonged periods of time.<sup>2</sup> Recent scholarship by Elizabeth Bradshaw on the US context has highlighted that there is an emerging “pattern of systematic environmental degradation and widespread violations of human rights across” related to the ecological impact of imprisonment.<sup>3</sup> Not only are prisons then commonly located on or near toxic areas, but prisons themselves are ecologically harmful.

UK-based non-profit organization, Corporate Watch, has recently reported on the UK Government’s prison-building plan, including an environmental impact assessment for each proposed prison, assessing each prison’s proximity to former weapons-testing areas, and the impact upon animal populations, many of which are already threatened.<sup>4</sup> As such, prison toxicity can be thought in a multi-directional manner, and, as

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<sup>1</sup> Fight Toxic Prisons, “The Campaign to Fight Toxic Prisons.” The Campaign to Fight Toxic Prisons, 2018, <https://fighttoxicprisons.wordpress.com/>; “Prison Ecology Project,” Nation Inside, accessed March 20, 2019, <https://nationinside.org/campaign/prison-ecology/>.

<sup>2</sup> Fight Toxic Prisons, “The Campaign to Fight Toxic Prisons.”

<sup>3</sup> Elizabeth A. Bradshaw, “Tombstone Towns and Toxic Prisons: Prison Ecology and the Necessity of an Anti-Prison Environmental Movement.” *Critical Criminology* 26, no. 3 (September 1, 2018): 407–422, doi:10.1007/s10612-018-9399-6.

<sup>4</sup> Corporate Watch, *Prison Island: Prison Expansion in England, Wales & Scotland* (London: Corporate Watch Co-operative Ltd, 2018).

I propose in this chapter, includes and exceeds environmental harm. Prison-based animal agriculture is another toxic practice that requires a wider analytical lens. The political categories of human, animal, and environment in Western contexts, for example, are not only embedded in notions of whiteness, hierarchy, and their utility as “resources,” but are often taken as disparate categories whose futures are not inextricably linked. By proposing a concept of multi-species carcerality, I demonstrate that carceral spaces not only are located in or around toxic sites, but are a nexus of social, relational, ethical, and ecological toxicity.

Multi-species carcerality then works at multiple levels, including the cell, the body, the territory, and the global economy. While the prison is a social institution often hidden from public view and criticism, environmental harm is often thought of as disparate, containable, and reversible.<sup>5</sup> However, the idea that ecological harm can be contained is invested in a false belief in impermeable borders that pollutants cannot cross. As such, the concept of multi-species carcerality shows that the distinctions between the inside and outside of the prison are not only untenable, but so too is the notion that the effects of anthropogenic climate change, while “‘out of sight and out of mind’ [for those at the] original sites of decision-making power and consumption,”<sup>6</sup> are containable even if these are differentially experienced across geographical location, race, gender, and species. Rather, such a commitment to boundaries is embedded in colonial understandings of “the human” as independent from others, superior to non-human animals, and as separate from and uninfluenced by nature.<sup>7</sup> Yet these understandings are distinctly political and can be otherwise.

Given the inextricability of race and species in projects of racial capitalism, chattel slavery, and settler colonialism,<sup>8</sup> the concept of multi-species carcerality can likely be extended to independently theorize the carceral in various forms where humans and non-human animals are targeted. This chapter focuses on the prison farm in Canada to foreground the operation and effects of colonial, carceral, and agricultural powers. I suggest that multi-species carcerality, in this context, occurs as agricultural and carceral power interact, and includes colonial tactics of enclosure, de-animalization, alienated/exploitative labour, and ecological, social, and ontological toxicity. In doing

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<sup>5</sup> David N. Pellow, “Toward a Critical Environmental Justice Studies.” *Du Bois Review: Social Science Research on Race* 13, no. 2 (2016): 221–236, doi:10.1017/S1742058X1600014X.

<sup>6</sup> *Ibid.*, 224.

<sup>7</sup> See Struthers Montford and Taylor, this volume; Val Plumwood, “Integrating Ethical Frameworks for Animals, Humans, and Nature: A Critical Feminist Eco-Socialist Analysis.” *Ethics & the Environment* 5, no. 2 (2000): 285–322.

<sup>8</sup> Claire Jean Kim, *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age* (New York: Cambridge University Press, 2015); Claire Jean Kim, “Murder and Mattering in Harambe’s House.” *Politics and Animals* 3, no. 2 (2016): 37–51; Claire Jean Kim, “Abolition.” in *Critical Terms for Animal Studies* (Chicago, IL: University Of Chicago Press, 2018), 15–32, [www.press.uchicago.edu/ucp/books/book/chicago/C/bo22991992.html](http://www.press.uchicago.edu/ucp/books/book/chicago/C/bo22991992.html); Pellow, “Toward a Critical Environmental Justice Studies”; Jared Sexton, “People-of-Color-Blindness Notes on the Afterlife of Slavery.” *Social Text* 28, no. 2 103 (June 20, 2010): 31–56, doi:10.1215/01642472-2009-066.

so, I seek to centre and resist settler colonial relationships to land and animals/animality inherent in penal agriculture. By identifying the ontological underpinnings and power effects of multi-species carcerality, it is my hope that resistance to the institutions of the carceral proposes and contributes to decolonial futures.

## Overview of penitentiary agriculture in Canada

Animal-based agriculture was a common feature of incarceration that predated Canadian confederation in 1867.<sup>9</sup> Such programmes continued in federal penitentiaries for men until 2010 when the conservative government discontinued the farms, stating that the farms operated at a financial loss and that it was unclear whether prisoners found agricultural employment when released.<sup>10</sup> At the time of the closure, the farms employed less than 1 percent of the federal prison population (716 prisoners) who worked in dairying, cage-based egg operations, and reared, slaughtered, and butchered farmed animals.<sup>11</sup> In addition to the programmes that occurred inside the prison walls, prisoners working in “agribusiness” were also performing slaughterhouse work for over 300 farms in the surrounding area.<sup>12</sup> CORCAN pays between \$5.25 and \$6.90 per day of work.<sup>13</sup> Agribusiness training required incarcerated humans to manage and kill other carceral subjects, as part of their so-called rehabilitation.

There was immediate public outcry to the announced closure of penal farms, especially in the Kingston, Ontario area. Goodman and Dawe have described the public protests and government responses as a “penal drama” in which penal agriculture was a flashpoint from which various parties advanced their agendas that mobilized the figure of the prisoner, yet with little actual regard for prisoners themselves.<sup>14</sup> Animals featured even less in the rhetoric of either side and were completely de-subjectified. For example, prison farm advocates brought farmed animals to protests and had them

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<sup>9</sup> Kelly Struthers Montford, “Land, Agriculture, and the Carceral: The Territorializing Function of Penitentiary Farms.” *Radical Philosophy Review*, no. online first (2019), doi:10.5840/radphilrev20192494.

<sup>10</sup> Calvin Neufeld, “The Herd at the Pen: The Promise of Animal Sanctuary on Prison Farms.” *Briarpatch Magazine*, May 1, 2017, <https://briarpatchmagazine.com/articles/view/herd-at-the-pen>.

<sup>11</sup> Diana Mehta, “Trudeau Government Considers Reopening Prison Farms Shut down in 2010 | Toronto Star.” *Toronto Star*, July 10, 2016, [www.thestar.com/news/canada/2016/07/10/trudeau-government-considers-reopening-prison-farms-shut-down-in-2010.html](http://www.thestar.com/news/canada/2016/07/10/trudeau-government-considers-reopening-prison-farms-shut-down-in-2010.html); Amy J. Fitzgerald, “Doing Time in a Slaughterhouse: A Critical Review of the Use of Animals and Inmates in Prison Labor Programmes.” *Journal of Critical Animal Studies* 10 (2011): 12–46.

<sup>12</sup> “Project SOIL,” accessed May 14, 2017, <http://projectsoil.ca/project-overview/case-studies/frontenac-and-pittsburgh-prison-farms/>.

<sup>13</sup> Correctional Service of Canada, “CD 730 – Offender Program Assignments and Inmate Payments” (2016).

<sup>14</sup> Philip Goodman and Meghan Dawe, “Prisoners, Cows and Abattoirs: The Closing of Canada’s Prison Farms as a Political Penal Drama.” *The British Journal of Criminology* 56, no. 4 (July 1, 2016): 793–812, doi:10.1093/bjc/azv078.



wear placards that included “take me back to prison” (see Figure 12.1) and “conservative prison consultant.” Such imagery exemplifies the multiple power relationships at work: farmed animals are caught in webs of colonial property relations in which they are de-subjectified by “owners” placing signs on them suggesting that they are “asking” to be put in the penitentiary farm; agricultural power functions to normalize them as appropriate for enclosure, forced reproduction, and slaughter; and, carceral power works to make their bodies the objects through which the prison sustains itself, and through which it claims to carry out its “rehabilitative” purpose.

**Figure 12.1**



Wishful, Brought by Their ‘Owner’ to Protest the Closure of the Penitentiary Farms, at the Entrance of Collins Bay and Frontenac Penitentiaries.

Source: Kingston Whig-Standard, Byline: Ian MacAlpine.

Ongoing public pressure from Kingston-area residents, food activists, and farmers, combined with promises made by elected officials during the federal election, led to both

town-hall and online public consultations being held in 2016.<sup>15</sup> The purpose of these forums was to solicit feedback on the feasibility of re-opening penitentiary agriculture in two Kingston-area penitentiaries.<sup>16</sup> Contained in its February 2018 budget, the current government committed \$4.3 million over five years to re-open two penitentiary farms in the Kingston area.<sup>17</sup>

Details about the re-opened farms are slowly emerging. The first component of the reinstituted farms will be a goat dairy in which the milk from 500 goats will be sold to Feihe International, a Chinese-based infant formula producer. Feihe International has also artificially created the demand that the re-opened penitentiary farms are positioned as filling. This corporation has invested \$225 million towards an infant formula plant in Kingston, Ontario that will process dairy sourced in part from penal farms. This plant will produce approximately 60,000 tonnes of dry infant food per year, 85 percent of which will be exported to China in the wake of the expected baby boom following the repeal of the one-child policy.<sup>18</sup> Following the plant's opening, the Government anticipates doubling the herd to total 1,000 goats to meet production demands.<sup>19</sup> A herd of 30 cows will also be included in the re-opened farms.<sup>20</sup> The farms will again be managed by CORCAN under a for-profit model<sup>21</sup> and will occupy approximately 1,500 acres of land.<sup>22</sup> By next placing the prison farm in its colonial and historical context, it emerges as a salient example of multi-species carcerality.

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<sup>15</sup> Struthers Montford, "Land, Agriculture, and the Carceral."

<sup>16</sup> Correctional Service of Canada, "Report on the Town Hall Meeting on the Feasibility of Re-Establishing Penitentiary Farms at the Joyceville and Collins Bay Institutions." November 9, 2016, [www.csc-scc.gc.ca/publications/005007-5801-eng.shtml](http://www.csc-scc.gc.ca/publications/005007-5801-eng.shtml); Correctional Service of Canada, "Correctional Service of Canada Penitentiary Farm Online Public Consultation," August 2, 2016, [www.csc-scc.gc.ca/consult/index-en.shtml](http://www.csc-scc.gc.ca/consult/index-en.shtml).

<sup>17</sup> Canada, "Federal Budget 2018: Equality and Growth, a Strong Middle Class" (Ottawa, February 27, 2018), [www.budget.gc.ca/2018/docs/plan/toc-tdm-en.html](http://www.budget.gc.ca/2018/docs/plan/toc-tdm-en.html).

<sup>18</sup> Janyce McGregor, "New Chinese Baby Formula Plant to Buy Canadian Milk — But at What Price?" CBC News, August 3, 2017, [www.cbc.ca/news/politics/feihe-plant-trade-1.4228502](http://www.cbc.ca/news/politics/feihe-plant-trade-1.4228502).

<sup>19</sup> Donovan Vincent, "The Return of Prison Farms and Tattoos: Why This New Watchdog Won't Slam the Door on Canada's Inmates." The Toronto Star, February 4, 2018, [www.thestar.com/news/insight/2018/02/04/the-return-of-prison-farms-and-tattoos-why-this-new-watchdog-wont-slam-the-door-on-canadas-inmates.html](http://www.thestar.com/news/insight/2018/02/04/the-return-of-prison-farms-and-tattoos-why-this-new-watchdog-wont-slam-the-door-on-canadas-inmates.html).

<sup>20</sup> Ian MacAlpine, "Cows, Goats Headed Back to Jail at Joyceville, Collins Bay." Ottawa Citizen, June 22, 2018, <http://ottawacitizen.com/news/local-news/cows-goats-headed-back-to-jail-at-joyceville-collins-bay>; Frazer Snowdon, "More than 30 Dairy Cows Now Part of the Prison Farm Program in Kingston." Global News, June 21, 2018, <https://globalnews.ca/news/4289722/more-than-30-dairy-cows-now-part-of-the-prison-farm-program-in-kingston/>.

<sup>21</sup> Canada, "Federal Budget 2018: Equality and Growth, a Strong Middle Class."

<sup>22</sup> Ian MacAlpine, "Cows Not in Initial Prison Farm Plan." The Kingston Whig-Standard, March 8, 2018, [www.thewhig.com/2018/03/08/cows-not-in-initial-prison-farm-plan](http://www.thewhig.com/2018/03/08/cows-not-in-initial-prison-farm-plan).

# Enclosure and territorialization

## Historical context

Animal agriculture in the settler contexts of Canada and the United States is a distinctly colonial project.<sup>23</sup> Ideas about humanity, animality, and proper (i.e., “civilized”) land use come together in the site of agriculture. Upon their arrival, colonists noted what they perceived to be a marked absence of this institution, and used this to justify their presence. Western ontologies position the human as independent, autonomous, separate from nature and animals. This ontology is continually “confirmed” and remade through the domination of non-human others—relations enabled through property law. Within such a frame of reference, colonists in part justified their domination over and against Indigenous persons whom they believed to be inferior because they “lacked” property, and because their understandings of the world were and, in many instances, continue to be, those of interdependence rather than separation from the more-than-human.<sup>24</sup>

As part of their putatively civilizing mission, and to remake the colonies in the image of their homelands, colonists brought to the “new world” farmed animals, legal systems, and European norms of civility that coalesced around animal agriculture and food production. Colonial governments also positioned the institution of animal agriculture, sedentary housing, and private property relationships to land and animals as a manner of “transforming an Indian into a white-man in sentiment.”<sup>25</sup> Agriculture was also a primary mode through which settlers, using English law, established legal relationships to land and extended their presence and reach. Land and farmed animals were not only subject to enclosure, but the roaming of farmed animals extended settlers’ territorial reach. Having animals graze on “unowned” land constituted a productive relationship to the land, making it subject to property rights by the owner of the animals. As such, this legal provision allowed increasing amounts of land and animals to be subject to enclosure. Animal agriculture has thereby been foundational to the colonial project in that “territoriality is settler colonialism’s specific, irreducible element.”<sup>26</sup>

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<sup>23</sup> See Virginia Anderson, *Creatures of Empire: How Domestic Animals Transformed Early America* (New York: Oxford University Press, 2006); Kim, *Dangerous Crossings*; Chapter 6, this volume.

<sup>24</sup> Margaret Robinson, “Veganism and Mi’kmaq Legends.” *The Canadian Journal of Native Studies* 33, no. 1 (2013): 189–196; Margaret Robinson, “Animal Personhood in Mi’kmaq Perspective.” *Societies* 4, no. 4 (December 3, 2014): 672–688, doi:10.3390/soc4040672; Kim TallBear, “An Indigenous Approach to Critical Animal Studies, Interspecies Thinking, and the New Materialisms,” 2013; Kim TallBear, “Beyond the Life/Not-Life Binary: A Feminist-Indigenous Reading of Cryopreservation, Interspecies Thinking, and the New Materialisms.” *Cryopolitics*, edited by Joanna Radin and Emma Kowal (Cambridge, MA: The MIT Press, 2017).

<sup>25</sup> Dewdney in Canada, “Annual Report of the Department of Indian Affairs.” *Sessional Papers of the Dominion of Canada*, 1891, xxvi.

<sup>26</sup> Patrick Wolfe, “Settler Colonialism and the Elimination of the Native.” *Journal of Genocide Research* 8, no. 4 (2006): 388.

As Billy-Ray Belcourt argues, the subjugation of the animal body under colonialism cannot be divorced from territorialization. This is because colonial animal ontologies are both constituted and reproduced in enclosed settler spaces. The animal farm is then not only about the institution of private property relationships but required the emptying of Indigenous persons, animals, and plant life to make way for the implementation of colonial lifeways through “a militant and racist politics of territoriality whereby Indigenous lands are physically and symbolically evacuated to be re-made into settler spaces.”<sup>27</sup> In Canada, penitentiary-based agriculture has historically served the ends of colonial territorialization and prison expansion.<sup>28</sup> Archival records from the end of the 19th and early 20th centuries reveal the explicitly colonial function of these sites, whereby the prison expands its geographical footprint via agriculture.

The Manitoba Penitentiary provides a salient example of how space and carceral subjects become colonized through penal agriculture. In 1899, A.G. Irvine, then warden of Manitoba Penitentiary, asks the Inspector of Penitentiaries to send prisoners from the Kingston Penitentiary to work on “every foot of our soil that is fit for cultivation...prisoners could not be put to more profitable work for the country at large.”<sup>29</sup> He continues, “I would go so far as to say that another wing should be built to this prison” to house the prisoners from Kingston.<sup>30</sup> Irvine further suggests these transferred prisoners could also be put to work in the penitentiary farm. To this end he asks for farmed animals and for additional land to supply their feed:

We have at present a splendid farm. Every part of it is in full view of the main building which enables the convicts to be thoroughly under supervision. What we now require is the farm to be stocked. I would strongly recommend the purchase of thoroughbred cattle (short horned) and sufficient teams to carry out the work of the farm. There are certain sections of hay land in view of the prison, the purchase of which I would recommend.<sup>31</sup>

These passages demonstrate the nexus of prison expansion, agriculture, penal labour, and animal subjugation. Using animals and prisoner labour, land is to be transformed into a productive resource and privatized for agricultural and carceral purposes. Irvine’s requests not only are consistent with dominant approaches to penal administration—in that penal labour that sustained the penitentiary was framed as redemptive—but also tie into broader aspects nation-making and settlement:

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<sup>27</sup> Billy-Ray Belcourt, “Animal Bodies, Colonial Subjects: (Re)Locating Animality in Decolonial Thought.” *Societies* 5, no. 1 (December 24, 2014): 4, doi:10.3390/soc5010001/[update to this volume]; see also Kim, *Dangerous Crossings*.

<sup>28</sup> Struthers Montford, “Land, Agriculture, and the Carceral.”

<sup>29</sup> A. G. Irvine, “Wardens’ Reports: Manitoba Penitentiary.” *Sessional Papers of the Dominion of Canada, Fifth Session of the Eighth Parliament*, 63 Victoria, vol. 13 (Ottawa: MacLean, 1900), 25.

<sup>30</sup> *Ibid.*, 25.

<sup>31</sup> *Ibid.*

I am strongly of the opinion that the best thing for the country, and the convicts themselves, is to keep them employed cultivating the soil, and improving the roads. The end in view is to make this a model farm, an object lesson to the surrounding farmers, and an attraction to prospective settlers.<sup>32</sup>

In this passage, carceral expansion via animal agriculture is justified for its pedagogical function. Recently arrived and potential settlers are meant to strive to replicate the agricultural practices occurring in the penitentiary, and penal labourers, once released, will have the training to become proper citizens who could then transform territory into a “productive” resource, and apply for property rights to this land under the Government’s settlement scheme. As such, two institutions of captivity, the animal farm and the prison, are mobilized to further colonial settlement. Animal agriculture is then historically rooted in a political project aimed at territorialization, resource extraction, and state formation—a project whose network circulated inside and outside of prison walls.<sup>33</sup>

Carcerality, for its part, inherently relies on technologies of enclosure. As many have shown, carcerality is not limited to the site of the prison, but can be gleaned in practices of psychiatric incarceration, immigration detention, child welfare services, residential schools, state social workers, the distribution of social welfare benefits, parole and probation, electronic monitoring, no-go zones, agriculture, sweat shop labour, as well as other forms of hyper-exploitative employment. The carceral, then, is not unique to sites of explicit punishment, but mediates access to specific spaces, effects control over the body, its movement, and structures relationships to the self and with others. The prison farm is an explicit location whereby specific enclosures intersect. As Belcourt writes in Chapter 1 of this volume, attending to the politics of space brings to the fore how colonial ways of “knowing and/or constructing animals bodies and/or subjectivities (re)locates animals within particular geographic and architectural spaces.”<sup>34</sup> It is through these various technologies of enclosure, containment, and surveillance—the tenets of carceral space—that animality is ascribed to prisoners and to farmed animals.

## De-animalization

Regardless of species membership, technologies of enclosure and intensive confinement work to de-animalize the captive. De-animalization is “the reduction of a living, relational animal to a nonrelational thing to be stored, exchanged, or even destroyed without regard for its particular ways of being in the world.”<sup>35</sup> De-animalization occurs

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<sup>32</sup> Ibid emphasis added.

<sup>33</sup> Struthers Montford, “Land, Agriculture, and the Carceral.”

<sup>34</sup> Belcourt, “Animal Bodies, Colonial Subjects,” 3/[update to this volume].

<sup>35</sup> Lisa Guenther, *Solitary Confinement* (Minneapolis: University of Minnesota Press, 2013), 157, [www.upress.umn.edu/book-division/books/solitary-confinement](http://www.upress.umn.edu/book-division/books/solitary-confinement).

when one's ontology as an intercorporeal subject is undermined. In settings of intensive captivity individuals are often almost totally isolated or kept in extreme proximity to one another to the point of their undoing. Humans placed in solitary confinement and animals held captive in factory farms, zoos, and laboratories have been repeatedly observed as suffering from "SHU syndrome"—a catch-all for a compendium of symptoms including paranoia, anxiety, depression, fatigue, confusion, hallucinations, headaches, uncontrollable trembling, pacing, and aggression. Additional symptoms displayed by non-human animals include obsessive grooming, scratching, derangement, and violence towards themselves and those with whom they are intensively confined.<sup>36</sup> Guenther argues that this is because animals, including humans, are intercorporeal and interdependent subjects whose understanding of the world is constituted through and in embodied relation to meaningful others.<sup>37</sup>

While agriculture and imprisonment have competing goals, one being the production of corpses and the other to keep those in custody (minimally) alive, similar "epistemic violences" occur in these locations.<sup>38</sup> Morin's interspecies concept of "carceral space" accounts for the "connected and entangled spatial, structural, operational, and embodied carceral practices and processes" shaping sites of incarceration, animal agriculture, zoo captivity, execution chambers, slaughterhouses, and biomedical testing upon prisoners and non-human animals. Lori Gruen has argued that the conditions in which both prisoners and zoo animals are kept prohibit a relational account of dignity in that subjects are rendered constantly visible and unable to ensure privacy for themselves in a meaningful way.<sup>39, 40</sup> Locations of human and animal captivity are also often shielded from meaningful legal oversight.<sup>41</sup> It is then not because of species membership that we can say that the humanity of a prisoner has been undermined; rather, it is the caging and intensive confinement of humans and animals that undermines our creaturely ontologies.

Yet these practices of caging and the consummate effect of de-animalization are based on Western ontologies of the human and the animal. As Guenther aptly demonstrates, practices of incarceration, especially solitary confinement, are premised on a specific ontology of the human. Namely that of an independent and autonomous actor who thrives in isolation and is not dependent on others, the more-than-human, nor

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<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Karen Morin, "Carceral Space: Prisoners and Animals." *Antipode* 48, no. 5 (November 1, 2016): 1317–1336, doi:10.1111/anti.12239; Karen Morin, *Carceral Space, Prisoners and Animals*, 1 edition (Abingdon/New York: Routledge, 2018); James Stanescu, "Beyond Biopolitics: Animal Studies, Factory Farms, and the Advent of Deading Life." *PhaenEx* 8, no. 2 (2013): 135–160; Guenther, *Solitary Confinement*.

<sup>39</sup> Lori Gruen, "Dignity, Captivity, and an Ethics of Sight." *The Ethics of Captivity*, edited by Lori Gruen (Oxford/New York: Oxford University Press, 2014), 231–247.

<sup>40</sup> CSC CD 730 – Offender Program Assignments and Inmate Payments, 730.

<sup>41</sup> Morin, "Carceral Space."

embodied relationships.<sup>42</sup> Yet, in the settler context of Canada such a version of the human came up against Indigenous cosmologies of interdependence and animal subjectivity. Animal agriculture in prison settings is then a site where colonial notions of humanity and animality are reproduced via the labour performed by de-animalized humans and animals.

## **Alienated/exploitative labour**

Colonial, agricultural, and carceral powers interact in a third way to structure labour, employment, and bodies. Historically some animals have been considered farm workers alongside prisoners. Penitentiary expenditure registers from 1880, for example, list the labour of horses alongside and at the same rate as convict labour. Animals farmed for their flesh and products, however, while the un-consenting “producers” of commodity products, are not counted as labourers. Instead they are considered private property whose remnants per pound and gallon are listed as sales on penitentiary accounting registers.<sup>43</sup>

Whether or not noted as labourers in official registers, the carceral labour of prisoners and animals has been integral to the functioning of penitentiary agribusiness programmes.<sup>44</sup> The degree, however, in which such working conditions are entered into without coercion is debatable in prison settings, and negligible for farmed animals. Via prisoner and animal labour, prisons expanded their territorial footprint while creating products that would sustain the prison itself, with excess products sold to other state institutions or to the public for a profit.<sup>45</sup>

In 2016, the Correctional Service convened feasibility forums to garner to public opinion on penitentiary agriculture. Those in support of penal agribusiness, who formed the overwhelming majority of respondents, claimed that agricultural training is needed because of agricultural labour shortages.<sup>46</sup> Moreover, the general public supported penitentiary agriculture because it is assumed to be rehabilitative labour for convicts, with respondents expressing an idyllic view of farm work. In fact, however, current agricultural work conditions in Canada refute this pastoral fantasy. The agricultural employment sector is commonly made up of migrant and temporary foreign workers. Despite being legally entitled to safe working conditions, employers often ex-

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<sup>42</sup> Guenther, *Solitary Confinement*.

<sup>43</sup> Dominion of Canada, *Sessional Papers of the Dominion of Canada: Volume 9, Third Session of the Fourth Parliament Session 1880–81*, vol. Sessional Paper 65-Penitentiaries (Ottawa: MacLean, 1881).

<sup>44</sup> Struthers Montford, “Land, Agriculture, and the Carceral.”

<sup>45</sup> See Struthers Montford.

<sup>46</sup> Correctional Service of Canada, “Report on the Town Hall Meeting on the Feasibility of Re-Establishing Penitentiary Farms at the Joyceville and Collins Bay Institutions”; Correctional Service of Canada, “Online Consultation on Institutional Agribusiness Report.” November 9, 2016, [www.csc-scc.gc.ca/publications/005007-5802-eng.shtml](http://www.csc-scc.gc.ca/publications/005007-5802-eng.shtml).

exploit the precarious immigration statuses, language barriers, and the extreme poverty of their workers. This often results in exceptionally exploitative and dangerous labour conditions, low wages, and little practical access to official complaint mechanisms or other forms of work.<sup>47</sup>

Slaughterhouse work has “injury and illness rates three times the average of the rates of other manufacturing industries.”<sup>48</sup> Increasing kill-floor speeds have meant that workers experience injuries from performing repetitive tasks on the kill line, and many report being forced to wear diapers rather than being provided washroom breaks. Slaughterhouse employment often results in workers being injured by animals who are struggling to survive, losing their limbs in meat grinders, and/or being crushed by falling animal carcasses.<sup>49</sup> Agricultural work is then in and of itself carceral as workers become trapped in these labour conditions via a myriad of reasons including under-education, criminal records, and/or precarious citizenship.

Despite the claims made by prison-farm supporters that agricultural training is uniquely rehabilitative, there is no empirical evidence to support these beliefs. Extant evidence suggests the opposite. In communities where slaughterhouses operate, there is a direct relationship to increased intra-human violence, including sexual assault, intimate partner violence, and abuse within family units.<sup>50</sup> Slaughterhouse work is also psychologically detrimental as employees must “inflict harm upon living beings while rationalizing their behaviour and suppressing their compassion.”<sup>51</sup> Ricky Atkinson, who served a federal sentence and worked in the penitentiary’s dairy operations, describes it as a space of ubiquitous exploitation. In his memoir, he recalls:

I made my way down the line, hating every minute. They kicked me. They crushed me against the stall railings. They shit all over. If you weren’t quick to grab them, they slapped you in the face with their shitty tails... It wasn’t easy to adjust to being around cows. I’d been on milking duty a couple of weeks when one of the cows stepped on my foot. I began to hit it with punches like a professional boxer. I don’t know why I did it but for some reason I needed to let off some steam. The next day, another cow crushed me against a railing and I rolled a series of punches on its side and

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<sup>47</sup> Fitzgerald, “Doing Time in a Slaughterhouse”; Gerardo Otero and Kerry Preibisch, *Citizenship and Precarious Labour in Canadian Agriculture* (Vancouver: Canadian Centre for Policy Alternatives, 2015), [www.deslibris.ca/ID/248389](http://www.deslibris.ca/ID/248389); Josh Wingrove, “Can Meat Factories Be Safe, at 4,000 Cows a Day, 3,000 Steaks a Minute?” October 5, 2012, sec. news, [www.theglobeandmail.com/news/national/can-meat-factories-be-safe-at-4000-cows-a-day-3000-steaks-a-minute/article4593690/](http://www.theglobeandmail.com/news/national/can-meat-factories-be-safe-at-4000-cows-a-day-3000-steaks-a-minute/article4593690/).

<sup>48</sup> Fitzgerald, “Doing Time in a Slaughterhouse,” 22.

<sup>49</sup> Sunaura Taylor, *Beasts of Burden: Animal and Disability Liberation* (New York: The New Press, 2017), <http://thenewpress.com/books/beasts-of-burden>.

<sup>50</sup> Amy J. Fitzgerald, Linda Kalof, and Thomas Dietz, “Slaughterhouses and Increased Crime Rates: An Empirical Analysis of the Spillover from ‘The Jungle’ Into the Surrounding Community.” *Organization & Environment* 22, no. 2 (June 1, 2009): 158–184, doi:10.1177/1086026609338164.

<sup>51</sup> Fitzgerald, “Doing Time in a Slaughterhouse,” 14.



on its head...One day, a cow coughed when I was behind it. Green shit flew out of her ass and all over my face. I tore into that cow with my fists.<sup>52</sup>

This passage shows the mundane violence entailed in penal agricultural scenarios—scenarios often promoted as idyllic. Slaughterhouse work—the non-idyllic aspect of agricultural work that is often not discussed by pro-prison farm advocates—foundationally consists of employment duties that would be criminalized if enacted upon humans or pets. While those supporting the return of the prison farms also do so on the basis of empathy—specifically that “criminals” will learn compassion through animal agriculture—penal agriculture does not lend itself to such relationality. In the multiply carceral site of the penal farm, prisoners are expected to bond with the animals in their charge as a component of their rehabilitation, only to have to later remove their newborns from them to access milk and/or kill them and their offspring, as part of their “rehabilitation.” Many prisoners have stated that their experience of working in the farms was traumatic, exploitative, and triggering due to experiences of violence and abuse.<sup>53</sup>

The reestablishment of CORCAN’s agribusiness programme is promoted as consistent with its overall objective to have prisoners develop marketable skills so that they can find employment upon release, thereby lowering their risk of re-offending. Slaughterhouse work, however, is low paying, generally non-unionized, and has a turnover rate of 200 percent a year.<sup>54</sup> Given the realities of agricultural work in terms of both working conditions and job security, it is deeply disturbing that this form of employment is used to justify the re-opening of penitentiary farms. As part of their campaign tactics, those pushing for penal agriculture repeatedly stressed that the farms and CORCAN agribusiness workers—who “processed” animals for more than 300 area-based farms—functioned as economic drivers for the surrounding communities. With the re-opening of the farms, agribusiness-employed prisoners will again perform slaughterhouse work, this time for approximately 350 farms in the surrounding area.<sup>55</sup>

Given the importance of vocational training and the “development” of employment skills to a federal prisoner’s correctional plan and subsequent parole eligibility, the possibility of not following one’s plan is likely to negatively impact one’s chance of early release. It then follows that this is not labour entered into without coercion. Penal agribusiness will again provide a literally captive and inexpensive labour force for Kingston-area farmers—labour that is steeped notions of state benevolence and consistent with historical attempts to make Indigenous persons more like white men through the institution of specific relationships to labour, land, and animals.

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<sup>52</sup> Ricky Atkinson, “Prisoner Perspectives – EOPF,” accessed March 21, 2019, [https://evolveour-prisonfarms.ca/prisoner/#\\_ricky](https://evolveour-prisonfarms.ca/prisoner/#_ricky).

<sup>53</sup> Evolve our Prison Farms, “Prisoner Perspectives,” EOPF, accessed December 31, 2018, <http://evolveourprisonfarms.ca/prisoner/>.

<sup>54</sup> Fitzgerald, “Doing Time in a Slaughterhouse.”

<sup>55</sup> MacAlpine, “Cows Not in Initial Prison Farm Plan.”

## Toxicity and ontological constraint

The application of agricultural power is a leading cause of ecological toxicity—animal agriculture has been shown to be a leading cause of climate change, deforestation, water scarcity, loss of biodiversity, as well as resulting in animal and plant species extinctions. In terms of the distribution of exposure to environmental hazards, those who live near and work in animal agriculture are usually persons of colour with lower social-economic statuses in rural areas. For example, animal agriculture, especially factory farming, is responsible for air and water pollution coming from manure lagoons, contamination from pesticide and fertilizer use, with workers and residents noting eye, nose, and throat ailments, asthma, lower qualities of life, and increased rates of depression and fatigue. The contamination of ground water by farmed animal feces has also been linked to birth defects, as well as harming farmed animals and wild life. Workers and residents often have little choice but to live near and/or work in agriculture industries, despite the health risks.<sup>56</sup>

Prisons are also ecologically disastrous and toxic in multiple ways. Vast ecological resources are also required to sustain the prison, including territory. Protected lands and wildlife habitats are cleared for prison building,<sup>57</sup> and when compared to other public institutions, the amount of water and energy resources required for the prison is matched only by hospitals:

Many parts of prisons need to be lit constantly and security alarms, cameras and other electrical devices must be active at all times. Most prisons also consume more water per square metre than standard building types, and their functional requirements in terms of security make conventional energy-saving measures challenging to implement. Little wonder that prisons have been described as ‘environmental toxic hogs.’<sup>58</sup>

An almost singular focus on security means the routine use of single-use plastics and Styrofoam as these materials cannot be used as a weapon on one’s self and others, disposable security clothing, transportation networks that move prisoners from police stations to court holding cells and often back to the prison. Baseline environmental measures common in the community, such as recycling, are considered green initiatives that only select prisons practice.

Not only do prisons consume massive amounts of resources, but are seemingly constant sources of pollution. For example, in the past two decades 8 of California’s 33 prisons have been cited for water pollution violations, including multiple raw sewage

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<sup>56</sup> “Environmental Racism – Food Empowerment Project,” accessed March 21, 2019, <https://foodispower.org/environmental-and-global/environmental-racism/>.

<sup>57</sup> Corporate Watch, “Prison Island.”

<sup>58</sup> Yvonne Jewkes and Dominique Moran, “The Paradox of the ‘Green’ Prison: Sustaining the Environment or Sustaining the Penal Complex?.” *Theoretical Criminology* 19, no. 4 (November 2015): 460, doi:10.1177/1362480615576270.

spills, one of which included the dumping of 700,000 gallons into the American River. The California's Men's Colony state prison has had over 100 documented spills over the past five years, with spills affecting a nearby protected wildlife sanctuary. Phosphates from laundry detergents banned for personal use but permitted for commercial laundries have leached into rivers surrounding the prisons who continue to use these detergents. This has led to algae blooms and the commensurate deprivation of oxygen for water-based animals. Prisons have been cited for falsifying environmental pollution reports, and toxic waste from prison industries has made its way into various waterways. This has included the poisoning of ground water wells with toxic metals. Insufficient on-site wastewater management has resulted in fecal coliform being released into various bodies of water.<sup>59</sup>

Prisons can also be considered as sites of environmental racism. Pellow argues that environmental racism is an extension of state-sanctioned practices such as police brutality and mass incarceration that enacts authoritarian control over bodies, space, and knowledge systems.<sup>60</sup> Prisons are often built close to or on sites of extreme environmental contamination, including proximity to nuclear waste and/or coal mining. Rikers Island in New York City is situated atop a toxic waste landfill. In December of 2018, prisoners at the Lieber Correctional Institution in South Carolina reported prolonged exposure to toxic conditions: their drinking water is bright orange and they are caged in sewage-flooded cells resulting from faulty plumbing.<sup>61</sup> Jordan Mazurek notes that in the United States, 13 state and federal prisons have contaminated water as a result of mining and uranium processing. In addition, prisoners at the Wallace Pack Unit State Prison in Texas have no choice but to rely on drinking water containing arsenic that is two to four times in excess of the safety limit. Wallace Pack Unit is also situated on the grounds of the oldest slave plantation in Texas in which the plantation's agricultural past is responsible for current levels of arsenic. The drinking water at the South Central Regional Jail in West Virginia is also contaminated from a nearby chemical spill.<sup>62</sup>

Prison buildings are often asbestos-laden with some prisoners having been forced to remove asbestos without protective equipment.<sup>63</sup> Furthermore, "eco-rehabilitation" programmes such as training prisoners for employment in the green economy have actually exposed prisoners to contaminants with White and Graham noting that "e-waste recycling projects...are little more than 'toxic sweatshops' which fail in their

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<sup>59</sup> Prison Ecology Project, "Facts: Background on Mass Incarceration and the Environment," accessed March 21, 2019, <https://nationinside.org/campaign/prison-ecology/facts/>.

<sup>60</sup> Pellow, "Toward a Critical Environmental Justice Studies."

<sup>61</sup> Fight Toxic Prisons, "The Campaign to Fight Toxic Prisons."

<sup>62</sup> Jordan Mazurek, "Fighting Toxic Prisons: Applying a Critical Environmental Justice Framework to U.S. Prisons." Revolutionary Criminology Panel (New Orleans, 2016), [www.academia.edu/30770240/Fighting\\_Toxic\\_Prisons\\_Applying\\_a\\_Critical\\_Environmental\\_Justice\\_Framework\\_to\\_U.S.\\_Prisons?auto=download](http://www.academia.edu/30770240/Fighting_Toxic_Prisons_Applying_a_Critical_Environmental_Justice_Framework_to_U.S._Prisons?auto=download).

<sup>63</sup> Luana Ross, *Inventing the Savage: The Social Construction of Native American Criminality* (Austin: University of Texas Press, 1998).

duty of care to protect participants.”<sup>64</sup> As such, environmental racism is a form of state violence that disproportionately targets Indigenous peoples, persons of colour, and non-human animals.<sup>65</sup> Prison-based agriculture can be thought of as a nexus of state violence whereby multiple carceralities target animalized bodies in the location of the prison itself, and that will have spillover effects in terms of community violence and ecological devastation that will be mostly aptly felt by marginalized humans and animals who live in proximity to the prison.

The toxicity of the prison exceeds ecological factors. Prisoners often experience their conditions of confinement including abuse by guards, ubiquitous violence, solitary confinement, prison food, proximity at all times to in-cell toilets, general air and light quality, and lack of access to the outdoors, as harmful and poisonous.<sup>66</sup> Toxic phenomena permeate and entrench our social and our relationships to the degree that we cannot think otherwise in ways that have achieved political purchase. In this sense the toxicity of multi-species carcerality permeates our ontologies. For example, we cannot—in ways that are politically meaningful—think about food production outside of animal agriculture, how to relate to animals in ways unmediated by their subordination through property, relate to land outside of property relationships, nor can we think about punishment without the prison.

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<sup>64</sup> Rob White and Hannah Graham, “Greening Justice: Examining the Interfaces of Criminal, Social and Ecological Justice.” *British Journal of Criminology* 55, no. 5 (September 2015): 859, doi:10.1093/bjc/azu117.

<sup>65</sup> Martin Crook, Damien Short, and Nigel South, “Ecocide, Genocide, Capitalism and Colonialism: Consequences for Indigenous Peoples and Glocal Ecosystems Environments.” *Theoretical Criminology* 22, no. 3 (August 1, 2018): 298–317, doi:10.1177/1362480618787176.

<sup>66</sup> Clinton “Nkechi” Walker, “Surviving Toxic Prisons,” #FightToxicPrisons, July 22, 2018, <https://fighttoxicprisons.wordpress.com/2018/07/22/surviving-toxic-prisons-by-clinton-nkechi-walker/>; Elizabeth Grant, *The Use of Segregation for Children in the Northern Territory Youth Detention System: Submission to the Royal Commission into the Protection and Detention of Children in the Northern Territory* (Adelaide: University of Adelaide, 2016); Elizabeth Grant, “Designing Carceral Environments for Indigenous Prisoners: A Comparison of Approaches in Australia, Canada, Aot...” *Advancing Corrections: Journal of the International Corrections and Prisons Association* 1 (2016): 26–47; Sharon Shalev, “Thinking Outside the Box? A Review of Seclusion and Restraint Practices in New Zealand,” 2017; Bobby Lee Ann Worm, “Affidavit of Bobby Lee Ann Worm,” Pub. L. No. S-150415, § British Columbia Civil Liberties Association and the John Howard Society of Canada versus Attorney General of Canada (2017), [https://bccla.org/wp-content/uploads/2017/07/Day-11\\_2017-06-01-Affidavit1-of-Bobby-Lee-Worm.pdf](https://bccla.org/wp-content/uploads/2017/07/Day-11_2017-06-01-Affidavit1-of-Bobby-Lee-Worm.pdf); James Busch, “Affidavit of James Busch,” Pub. L. No. S-150415, § British Columbia Civil Liberties Association and the John Howard Society of Canada versus Attorney General of Canada (2016), [https://bccla.org/wp-content/uploads/2017/07/Day-06\\_2016-12-14-Affidavit-1-of-James-Busch.pdf](https://bccla.org/wp-content/uploads/2017/07/Day-06_2016-12-14-Affidavit-1-of-James-Busch.pdf); Andre Blair, “Affidavit of Andre Blair,” Pub. L. No. S-150415, § British Columbia Civil Liberties Association and the John Howard Society of Canada versus Attorney General of Canada (2017), [https://bccla.org/wp-content/uploads/2017/07/Day-09\\_2017-05-25-Affidavit-1-of-Andre-Blair.pdf](https://bccla.org/wp-content/uploads/2017/07/Day-09_2017-05-25-Affidavit-1-of-Andre-Blair.pdf); Leslie Brownjohn, “Affidavit of Leslie Brownjohn,” Pub. L. No. S-150415, § British Columbia Civil Liberties Association and the John Howard Society of Canada versus Attorney General of Canada (2016), [https://bccla.org/wp-content/uploads/2017/07/Day-06\\_2016-12-16-Affidavit-1-of-Leslie-Brownjohn.pdf](https://bccla.org/wp-content/uploads/2017/07/Day-06_2016-12-16-Affidavit-1-of-Leslie-Brownjohn.pdf).

The prison farm, then, is an ecologically and socially toxic location. The labour required to sustain it is also itself toxic in its violence related to animal commodification, control over life, reproduction, and slaughter. The oversight of animal agriculture industries is lacking at best, but the prison farm is doubly hidden from view meaning that how animals are treated and the labour conditions experienced by workers are extremely insulated from accountability and scrutiny. It is likely that the precarity and carcerality of jobs in agriculture on the outside, shapes support and creates the “demand” for penal agricultural on the inside, and creates a captive labour force who upon release will have few avenues for employment.

## Conclusion

Animal agriculture is a leading cause of ecological toxicity, and prisons are toxic sites in multiple ways. Penitentiary-based agriculture has been integral to penal regimes as it coalesces around land, labour, rehabilitation, as well as food production and supply. The 2010 closure of animal agriculture in Canadian federal institutions marks a small hiatus in an otherwise longstanding practice pre-dating confederation. With the re-opening of two penitentiary farms as goat and cow dairies, I propose that we consider the carcerality of imprisonment and animal agriculture as a multi-species carceral practice with devastating environmental and relational impacts. I propose that in settler contexts, instances of multi-species carcerality are intelligible via four symptoms: colonial tactics of enclosure, de-animalization, alienated/exploitative labour, and toxicity and ontological constraint. By thinking together colonialism and anthropogenic climate change using the prison farm, penal agribusiness is a racialized and colonial institution with social, political, and ecological ramifications exceeding the geographical constraints of the prison. Prison abolition, animal liberation, and environmental justice projects in settler contexts are then necessarily decolonial projects.

## References

- Anderson, Virginia. *Creatures of Empire: How Domestic Animals Transformed Early America*. New York: Oxford University Press, 2006.
- Atkinson, Ricky. “Prisoner Perspectives – EOPF.” Accessed March 21, 2019. [https://evolveourprisonfarms.ca/prisoner/#\\_ricky](https://evolveourprisonfarms.ca/prisoner/#_ricky).
- Belcourt, Billy-Ray. “Animal Bodies, Colonial Subjects: (Re)Locating Animality in Decolonial Thought.” *Societies* 5, no. 1 (December 24, 2014): 1–11. doi:10.3390/soc5010001.
- Blair, Andre. Affidavit of Andre Blair, Pub. L. No. S-150415, § British Columbia Civil Liberties Association and the John Howard Society of Canada versus Attor-

ney General of Canada (2017). [https://bccla.org/wp-content/uploads/2017/07/Day-09\\_2017-05-25-Affidavit-1-of-Andre-Blair.pdf](https://bccla.org/wp-content/uploads/2017/07/Day-09_2017-05-25-Affidavit-1-of-Andre-Blair.pdf).

Bradshaw, Elizabeth A. "Tombstone Towns and Toxic Prisons: Prison Ecology and the Necessity of an Anti-Prison Environmental Movement." *Critical Criminology* 26, no. 3 (September 1, 2018): 407–422. doi:10.1007/s10612-018-9399-6.

Brownjohn, Leslie. Affidavit of Leslie Brownjohn, Pub. L. No. S-150415, § British Columbia Civil Liberties Association and the John Howard Society of Canada versus Attorney General of Canada (2016). [https://bccla.org/wp-content/uploads/2017/07/Day-06\\_2016-12-16-Affidavit-1-of-Leslie-Brownjohn.pdf](https://bccla.org/wp-content/uploads/2017/07/Day-06_2016-12-16-Affidavit-1-of-Leslie-Brownjohn.pdf).

Busch, James. Affidavit of James Busch, Pub. L. No. S-150415, § British Columbia Civil Liberties Association and the John Howard Society of Canada versus Attorney General of Canada (2016). [https://bccla.org/wp-content/uploads/2017/07/Day-06\\_2016-12-14-Affidavit-1-of-James-Busch.pdf](https://bccla.org/wp-content/uploads/2017/07/Day-06_2016-12-14-Affidavit-1-of-James-Busch.pdf).

Canada. "Annual Report of the Department of Indian Affairs." Sessional Papers of the Dominion of Canada, 1891.

———. "Federal Budget 2018: Equality and Growth, a Strong Middle Class." Ottawa, February 27, 2018. [www.budget.gc.ca/2018/docs/plan/toc-tdm-en.html](http://www.budget.gc.ca/2018/docs/plan/toc-tdm-en.html).

Corporate Watch. *Prison Island: Prison Expansion in England, Wales & Scotland*. London: Corporate Watch Co-operative Ltd, 2018.

Correctional Service of Canada. CD 730- Offender Program Assignments and Inmate Payments (2016).

———. "Correctional Service of Canada Penitentiary Farm Online Public Consultation." August 2, 2016. [www.csc-scc.gc.ca/consult/index-en.shtml](http://www.csc-scc.gc.ca/consult/index-en.shtml).

———. "Online Consultation on Institutional Agribusiness Report." November 9, 2016. [www.csc-scc.gc.ca/publications/005007-5802-eng.shtml](http://www.csc-scc.gc.ca/publications/005007-5802-eng.shtml).

———. "Report on the Town Hall Meeting on the Feasibility of Re-Establishing Penitentiary Farms at the Joyceville and Collins Bay Institutions." November 9, 2016. <http://www.csc-scc.gc.ca/publications/005007-5801-eng.shtml>.

Crook, Martin, Damien Short, and Nigel South. "Ecocide, Genocide, Capitalism and Colonialism: Consequences for Indigenous Peoples and Glocal Ecosystems Environments." *Theoretical Criminology* 22, no. 3 (August 1, 2018): 298–317. doi:10.1177/1362480618787176.

Dominion of Canada. *Sessional Papers of the Dominion of Canada: Volume 9, Third Session of the Fourth Parliament Session 1880–1881*. Vol. Sessional Paper 65-Penitentiaries. Ottawa: MacLean, 1881.

"Environmental Racism – Food Empowerment Project." Accessed March 21, 2019. <https://foodispower.org/environmental-and-global/environmental-racism/>.

Evolve our Prison Farms. "Prisoner Perspectives." EOPF. Accessed December 31, 2018. <http://evolveourprisonfarms.ca/prisoner/>.

Fight Toxic Prisons. "The Campaign to Fight Toxic Prisons." The Campaign to Fight Toxic Prisons, 2018. <https://fighttoxicprisons.wordpress.com/>.

Fitzgerald, Amy J. "Doing Time in a Slaughterhouse: A Critical Review of the Use of Animals and Inmates in Prison Labor Programmes." *Journal of Critical Animal Studies* 10 (2011): 12–46.

Fitzgerald, Amy J., Linda Kalof, and Thomas Dietz. "Slaughterhouses and Increased Crime Rates: An Empirical Analysis of the Spillover from 'The Jungle' Into the Surrounding Community." *Organization & Environment* 22, no. 2 (June 1, 2009): 158–184. doi:10.1177/1086026609338164.

Goodman, Philip and Meghan Dawe. "Prisoners, Cows and Abattoirs: The Closing of Canada's Prison Farms as a Political Penal Drama." *The British Journal of Criminology* 56, no. 4 (July 1, 2016): 793–812. doi:10.1093/bjc/azv078.

Grant, Elizabeth. "Designing Carceral Environments for Indigenous Prisoners: A Comparison of Approaches in Australia, Canada, Aot..." *Advancing Corrections: Journal of the International Corrections and Prisons Association* 1 (2016): 26–47.

———. *The Use of Segregation for Children in the Northern Territory Youth Detention System: Submission to the Royal Commission into the Protection and Detention of Children in the Northern Territory*. Adelaide: University of Adelaide, 2016.

Gruen, Lori. "Dignity, Captivity, and an Ethics of Sight." In *The Ethics of Captivity*, edited by Lori Gruen, 231–247. Oxford and New York: Oxford University Press, 2014.

Guenther, Lisa. *Solitary Confinement*. Minneapolis: University of Minnesota Press, 2013. [www.upress.umn.edu/book-division/books/solitary-confinement](http://www.upress.umn.edu/book-division/books/solitary-confinement).

Irvine, A. G. "Wardens' Reports: Manitoba Penitentiary." In *Sessional Papers of the Dominion of Canada, Fifth Session of the Eighth Parliament*, 63 Victoria., 13: 24–25. Ottawa: MacLean, 1900.

Jewkes, Yvonne and Dominique Moran. "The Paradox of the 'Green' Prison: Sustaining the Environment or Sustaining the Penal Complex?" *Theoretical Criminology* 19, no. 4 (November 2015): 451–469. doi:10.1177/1362480615576270.

Kim, Claire Jean. *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age*. New York: Cambridge University Press, 2015.

———. "Murder and Mattering in Harambe's House." *Politics and Animals* 3, no. 2 (2016): 37–51.

———. "Abolition." In *Critical Terms for Animal Studies*, 15–32. Chicago, IL: University Of Chicago Press, 2018. [www.press.uchicago.edu/ucp/books/book/chicago/C/bo22991992.html](http://www.press.uchicago.edu/ucp/books/book/chicago/C/bo22991992.html).

MacAlpine, Ian. "Cows, Goats Headed Back to Jail at Joyceville, Collins Bay." *Ottawa Citizen*, June 22, 2018. <http://ottawacitizen.com/news/local-news/cows-goats-headed-back-to-jail-at-joyceville-collins-bay>.

———. "Cows Not in Initial Prison Farm Plan." *The Kingston Whig-Standard*, March 8, 2018. [www.thewhig.com/2018/03/08/cows-not-in-initial-prison-farm-plan](http://www.thewhig.com/2018/03/08/cows-not-in-initial-prison-farm-plan).

Mazurek, Jordan. "Fighting Toxic Prisons: Applying a Critical Environmental Justice Framework to U.S. Prisons." In *Revolutionary Criminology Panel*. New Orleans, 2016. [www.academia.edu/30770240/Fighting\\_Toxic\\_Prisons\\_Applying\\_a\\_Critical\\_Environmenta](http://www.academia.edu/30770240/Fighting_Toxic_Prisons_Applying_a_Critical_Environmenta)

McGregor, Janyce. "New Chinese Baby Formula Plant to Buy Canadian Milk — But at What Price?" CBC News, August 3, 2017. [www.cbc.ca/news/politics/feihe-plant-trade-1.4228502](http://www.cbc.ca/news/politics/feihe-plant-trade-1.4228502).

Mehta, Diana. "Trudeau Government Considers Reopening Prison Farms Shut down in 2010 | Toronto Star." Toronto Star, July 10, 2016. [www.thestar.com/news/canada/2016/07/10/trudeau-government-considers-reopening-prison-farms-shut-down-in-2010.html](http://www.thestar.com/news/canada/2016/07/10/trudeau-government-considers-reopening-prison-farms-shut-down-in-2010.html).

Morin, Karen. "Carceral Space: Prisoners and Animals." *Antipode* 48, no. 5 (November 1, 2016): 1317–1336. doi:10.1111/anti.12239.

———. *Carceral Space, Prisoners and Animals*. 1 edition. Abingdon, New York: Routledge, 2018.

Neufeld, Calvin. "The Herd at the Pen: The Promise of Animal Sanctuary on Prison Farms." *Briarpatch Magazine*, May 1, 2017. <https://briarpatchmagazine.com/articles/view/herd-at-the-pen>.

Otero, Gerardo and Kerry Preibisch. "Citizenship and Precarious Labour in Canadian Agriculture." Vancouver: Canadian Centre for Policy Alternatives, 2015. [www.deslibris.ca/ID/248389](http://www.deslibris.ca/ID/248389).

Pellow, David N. "Toward a Critical Environmental Justice Studies." *Du Bois Review: Social Science Research on Race* 13, no. 2 (2016): 221–236. doi:10.1017/S1742058X1600014X.

Plumwood, Val. "Integrating Ethical Frameworks for Animals, Humans, and Nature: A Critical Feminist Eco-Socialist Analysis." *Ethics & the Environment* 5, no. 2 (2000): 285–322.

Prison Ecology Project. "Facts: Background on Mass Incarceration and the Environment." Accessed March 21, 2019. <https://nationinside.org/campaign/prison-ecology/facts/>.

"Prison Ecology Project." Nation Inside. Accessed March 20, 2019. <https://nationinside.org/campaign/prison-ecology/>.

"Project SOIL." Accessed May 14, 2017. <http://projectsoil.ca/project-overview/case-studies/frontenac-and-pittsburgh-prison-farms/>.

Robinson, Margaret. "Veganism and Mi'kmaq Legends." *The Canadian Journal of Native Studies* 33, no. 1 (2013): 189–196.

———. "Animal Personhood in Mi'kmaq Perspective." *Societies* 4, no. 4 (December 3, 2014): 672–688. doi:10.3390/soc4040672.

Ross, Luana. *Inventing the Savage: The Social Construction of Native American Criminality*. Austin: University of Texas Press, 1998.

Sexton, Jared. "People-of-Color-Blindness Notes on the Afterlife of Slavery." *Social Text* 28, no. 2 103 (June 20, 2010): 31–56. doi:10.1215/01642472-2009-066.

Shalev, Sharon. *Thinking Outside the Box? A Review of Seclusion and Restraint Practices in New Zealand*. Auckland: Human Rights Commission, 2017.



Snowdon, Frazer. "More than 30 Dairy Cows Now Part of the Prison Farm Program in Kingston." *Global News*. June 21, 2018. <https://globalnews.ca/news/4289722/more-than-30-dairy-cows-now-part-of-the-prison-farm-program-in-kingston/>.

Stanescu, James. "Beyond Biopolitics: Animal Studies, Factory Farms, and the Advent of Deading Life." *PhaenEx* 8, no. 2 (2013): 135–160.

Struthers Montford, Kelly. "Land, Agriculture, and the Carceral: The Territorializing Function of Penitentiary Farms." *Radical Philosophy Review*, no. online first (2019). doi:10.5840/radphilrev20192494.

TallBear, Kim. "An Indigenous Approach to Critical Animal Studies, Interspecies Thinking, and New Materialism." *Borders of Kinship: Species/Race/Indigeneity*, Latin American & Caribbean Studies program, the Jackson School of International Studies, the Simpson Center for the Humanities, and the Institute for the Study of Ethnicity, Race, & Sexuality (WISER), University of Washington, 2013.

———. "Beyond the Life/Not-Life Binary: A Feminist-Indigenous Reading of Cryopreservation, Interspecies Thinking, and the New Materialisms." In *Cryopolitics*, edited by Joanna Radin and Emma Kowal, 179–202. Cambridge, MA: The MIT Press, 2017.

Taylor, Sunaura. *Beasts of Burden: Animal and Disability Liberation*. New York: The New Press, 2017. <http://thenewpress.com/books/beasts-of-burden>.

Vincent, Donovan. "The Return of Prison Farms and Tattoos: Why This New Watchdog Won't Slam the Door on Canada's Inmates." *The Toronto Star*, February 4, 2018. [www.thestar.com/news/insight/2018/02/04/the-return-of-prison-farms-and-tattoos-why-this-new-watchdog-wont-slam-the-door-on-canadas-inmates.html](http://www.thestar.com/news/insight/2018/02/04/the-return-of-prison-farms-and-tattoos-why-this-new-watchdog-wont-slam-the-door-on-canadas-inmates.html).

Walker, Clinton. "Nkechi." "Surviving Toxic Prisons." #FightToxicPrisons, July 22, 2018. <https://fighttoxicprisons.wordpress.com/2018/07/22/surviving-toxic-prisons-by-clinton-nkechi-walker/>.

White, Rob and Hannah Graham. "Greening Justice: Examining the Interfaces of Criminal, Social and Ecological Justice." *British Journal of Criminology* 55, no. 5 (September 2015): 845–865. doi:10.1093/bjc/azu117.

Wingrove, Josh. "Can Meat Factories Be Safe, at 4,000 Cows a Day, 3,000 Steaks a Minute?," October 5, 2012, sec. news. [www.theglobeandmail.com/news/national/can-meat-factories-be-safe-at-4000-cows-a-day-3000-steaks-a-minute/article4593690/](http://www.theglobeandmail.com/news/national/can-meat-factories-be-safe-at-4000-cows-a-day-3000-steaks-a-minute/article4593690/).

Wolfe, Patrick. "Settler Colonialism and the Elimination of the Native." *Journal of Genocide Research* 8, no. 4 (2006): 387–409.

Worm, Bobby Lee Ann. Affidavit of Bobby Lee Ann Worm, Pub. L. No. S-150415, § British Columbia Civil Liberties Association and the John Howard Society of Canada versus Attorney General of Canada (2017). [https://bccla.org/wp-content/uploads/2017/07/Day-11\\_2017-06-01-Affidavit1-of-Bobby-Lee-Worm.pdf](https://bccla.org/wp-content/uploads/2017/07/Day-11_2017-06-01-Affidavit1-of-Bobby-Lee-Worm.pdf).

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