First Nations, Citizenship and Animals, or Why Northern Indigenous People Might Not Want to Live in Zoopolis

PAUL NADASDY Cornell University

Introduction

In recent years, First Nations across the Canadian north have concluded land claim and self-government agreements with the federal and provincial or territorial governments. These modern treaties spell out the nature of government-to-government relations among the signatory governments and grant northern First Nation people real (if limited) powers of selfgovernment and a role in the management of the lands and resources upon which they have long depended. As a result, First Nation governments across the Canadian north have emerged as significant players in regional politics. Some scholars (Asch, 2014; Coulthard, 2014; Nadasdy, 2012) have noted, however, that these agreements fail to question the underlying sovereignty of the Canadian state, are framed in the language of Euro-American statecraft, take for granted the assumptions of capitalism and so remain rooted in the relations of colonialism.

There is much to be said about these agreements, but in this article I focus on one of their central categories: First Nation citizenship. Under the new agreements, First Nation people give up their status as Indians under the federal *Indian Act* (along with their membership in *Indian Act* bands) in exchange for citizenship in the territorially constituted First Nations

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Paul Nadasdy, Department of Anthropology and American Indian Studies, Cornell University, 229 McGraw Hall, Ithaca NY 14853 USA, Email: pn79@cornell.edu

created by the new agreements. Although many embrace the concept of First Nation citizenship as an essential aspect of First Nation sovereignty and an antidote to the colonial imposition of Canadian citizenship (see Blackburn, 2009; Henderson, 2002), some are more critical. Political theorist Taiaiake Alfred (1999: xiv, 55–69), for example, rejects the concept of citizenship altogether—along with related concepts, such as sovereignty—as colonial impositions that constrain the possibilities for indigenous politics.

In their recent book, *Zoopolis*, Sue Donaldson and Will Kymlicka (2011: 171–73) argue that Alfred throws the baby out with the bathwater. While they acknowledge sovereignty's imperialist roots, they maintain that the term can be rehabilitated. Indeed, the central argument of their book is that liberal notions of citizenship and sovereignty should be extended to encompass not only indigenous people but also animals and that doing so will enhance the possibilities of justice for these oppressed populations. Indeed, they claim that their expanded notion of citizenship is more compatible with indigenous peoples' views of the world—and of human-animal relationships in particular—than is the standard human-only view of citizenship (47). This suggests that, contra Alfred, an expanded concept of liberal citizenship might perhaps be consistent with a decolonized indigenous politics after all.

Donaldson and Kymlicka's claim has some appeal, because their model does at first glance appear to bridge a gap between the legal category of First Nation citizenship, which excludes animals, and northern indigenous people's ideas about the nature of society, in which animals figure as powerful political actors. In the newly self-governing First Nations of northern Canada, only humans—not moose, caribou or spruces trees—are eligible for citizenship. The same, of course, can be said of citizenship everywhere. In fact, the restriction to humans is so basic an aspect of citizenship that no citizenship code in the world bothers to state it explicitly (and those of the newly self-governing First Nations are no exception). The exclusion of non-humans from citizenship reflects a fundamental, if implicit, assumption of Euro-American liberal political theory: only human persons can be political subjects. Animals, plants and other non-human entities may be the objects of politics, but they cannot be its subjects.

Although the exclusion of non-humans from the political realm is generally taken for granted among Euro-American political theorists and constitution-makers (Donaldson and Kymlicka excepted), it represents a radical departure from northern indigenous peoples' ways of being in the world. Indigenous social relations across the north were—and in many cases still are—ordered by relationships of kinship and reciprocity that crosscut the territorial boundaries of today's First Nations; and these relationships are not restricted to human persons. Indeed, Anishinabe legal scholar John Borrows notes that the Euro-American concept of citizenship is inappropriate for Anishinabe politics precisely because it "is not consistent with **Abstract.** Recent northern First Nation land claim agreements have created a new category of First Nation citizenship. Although many embrace the category as an essential aspect of First Nation sovereignty, others reject it as a colonial imposition that constrains the possibilities for indigenous politics. There does indeed appear to be a gap between the legal category of First Nation citizenship and northern indigenous peoples' ideas about political society. For one thing, the latter includes animals, while the former does not. In their recent book, *Zoopolis*, Donaldson and Kymlicka develop a model of animal citizenship. Although not primarily concerned with First Nation citizenship, they do assert the universality of their model, including its compatibility with indigenous ideas about proper human-animal relations. In this article, I assess those claims and show that, to the contrary, their model is in many ways antithetical to the knowledge and practices of northern indigenous peoples.

Résumé. Des accords de revendication territoriale conclus récemment avec les Premières Nations du Nord ont créé une nouvelle catégorie, celle de *citoyenneté des Premières Nations*. Bien que cette catégorie soit considérée par de nombreuses personnes comme un aspect essentiel de la souveraineté des Premières Nations, d'autres la rejettent, car il s'agirait d'une imposition coloniale qui limite les possibilités en matière de politique autochtone. Il semble y avoir effectivement un hiatus entre la citoyenneté des Premières Nations comme catégorie juridique et les idées que se font les populations autochtones du Nord au sujet de la société politique. Entre autres, cette dernière notion inclut les animaux alors que ce n'est pas le cas pour la première. Dans leur ouvrage récent, *Zoopolis*, Donaldson et Kymlicka élaborent un modèle de citoyenneté des Premières Nations, ils affirment l'universalité de leur modèle, incluant sa compatibilité avec les idées des autochtones sur ce que devraient être les relations entre les humains et les animaux. Dans cet article, j'analyse ces assertions et je démontre qu'au contraire, leur modèle est à maints égards aux antipodes du savoir et des pratiques des populations autochtones du Nord.

holistic notions of citizenship that must include the land, and all beings upon it" (2002: 141). To accurately reflect Anishinabe views of political community, he argues, citizenship would have to be radically reconceptualized to include other-than-human persons.

Our births, lives, and deaths on this site have brought us into citizenship with the land. We participate in its renewal, have responsibility for its continuation, and grieve for its losses. As citizens of this land, we also feel the presence of our ancestors and strive with them to have the relations of our polity respected. Our loyalties, allegiance, and affection are related to the land. The water, wind, sun, and stars are part of this federation. The fish, birds, plants, and animals also share this union. Our teachings and stories form the constitution of this relationship and direct and nourish the obligations it requires. (138)

Despite significant cultural differences across the north, Borrows' notion of "landed citizenship" would, I think, strike a chord with many northern First Nation people, including those in the Yukon, for example, who continue to think of themselves as "part of the land, part of the water" (McClellan, 1987: 1).

If we read Borrows as simply advocating the extension of liberal citizenship to include animals and other non-human entities, his vision of landed citizenship raises a host of theoretical and practical questions. First Nation citizenship is, after all, defined in First Nation self-government agreements and constitutions, and it is enacted daily by First Nation people when they participate in political debate, vote in First Nation elections, attend annual general assemblies, serve as First Nation appointees on comanagement boards and so on. It is one thing to assert that the abstract concept of First Nation citizenship-as-political-community should be expanded to include moose, caribou and black spruce trees; it is quite another to suggest that these same beings should be eligible to vote and participate in processes of governance. But engaging in such activities is an important part of what First Nation citizenship entails. The modern notion of citizenship connotes more than a sense of shared community and interdependence, it also signals membership in a state (or at least a state-like political organization) and it implies a particular relationship, entailing both obligations and benefits, between individual citizens and the state to which they belong.¹ Fulfilling these obligations and benefits is an integral part of what it means to be a citizen. How exactly are moose, spruce trees and other non-human persons supposed to assume their proper roles as individual citizens vis-à-vis the First Nation state? The fact that Borrows does not attempt to answer such questions suggests that he views his notion of landed citizenship less as a mechanism for expanding the concept of liberal citizenship (à la Donaldson and Kymlicka) than as a provocation to get readers to think critically about the inadequacy of liberal notions of citizenship for Anishinabe politics.

Yet Borrows does not reject the concept of citizenship altogether. Unlike Alfred, he seems open to a reconceptualization of the concept, so long as it can be made consistent with indigenous political and legal norms.² It is worth asking, then, to what extent his approach is compatible with Donaldson and Kymlicka's project of expanding liberal citizenship to include animals. We have already seen that Donaldson and Kymlicka claim that their approach is compatible with indigenous hunters' ideas about proper human-animal relations. Indeed, they go so far as to claim that their model of animal citizenship is based upon moral and sociological universals and imply that its adoption would benefit everyone, Euro-Canadians, indigenous people and animals alike.

In this article, I assess Donaldson and Kymlicka's claims to this effect and consider their model's compatibility with the ideals and practices of indigenous politics. Given the amount of cultural variation among the indigenous peoples of North America and their widely divergent historical experiences, it is difficult to write about "indigenous" people in general. Accordingly, I focus on the hunting peoples of the Arctic and subarctic who, despite considerable cultural variation, share broadly similar ideas and practices with respect to the non-human world. It is also largely (though not exclusively) these northern indigenous hunting peoples who over the past few decades have ratified comprehensive land claim and self-government agreements.

Assessing the compatibility of Donaldson and Kymlicka's model of animal citizenship with northern indigenous political practice will require engagement with the ethnographic literature on northern indigenous societies, something notably lacking from their book. In addition to providing an essential empirical context for assessing Donaldson and Kymlicka's claims, a focus on the ethnographic literature also effectively highlights the culturally specific nature of the assumptions that undergird their supposedly universal model of expanded citizenship. Contrary to Donaldson and Kymlicka's views on the matter, I will show that their model is in many ways antithetical to the knowledge and practices of northern indigenous hunting peoples. Before proceeding, however, it will be necessary to provide a brief account of animal citizenship in *Zoopolis*.

Citizenship in Zoopolis

Donaldson and Kymlicka argue that because domesticated animals have come to be inextricably bound up in relations of mutual interdependence with humans, they must be regarded as full members of the mixed humananimal society in which "we"³ all live. Although there are alternate ways we might theorize animal membership in society, Donaldson and Kymlicka (2011: 103) maintain that "a citizenship model better captures both the empirical realities and the moral imperatives of our relations with domesticated animals." But they go further and apply their model to all sentient animals, not just those that have been domesticated. While only domesticated animals would qualify for full citizenship, they suggest we should regard those "liminal" animals that have never been domesticated but who have voluntarily chosen to live near humans and who benefit from their interactions with humans and/or domesticated animals (think urban pigeons and garbage-loving raccoons) as non-citizen denizens of human-animal society. Although they are not full members of the mixed human-animal society, these denizens (like resident aliens) have acquired some rights, privileges and obligations by virtue of their choice to reside in the territory governed by and on behalf of humans and their domestic animal partners. By contrast, Donaldson and Kymlicka argue, wildlife-those animals that would prefer to live outside the geographic bounds of human-animal society-should be regarded as members of distinct and sovereign societies, with attendant rights to self-government and territorial integrity.

Donaldson and Kymlicka are aware that scholars, including the animal rights scholars on whose theories they build, resist the application of citizenship theory to animals on the grounds that animals simply do not have the capacity to participate in political society as citizens.⁴ They argue, however, that such a view rests on "too narrow a conception of the practice of citizenship, even in relation to humans, and on too narrow a conception of the capacities of animals" (2011: 15). In particular, they argue that citizenship theorists have tended to interpret the capacities required for citizenship⁵ in an overly cognitivist and rationalist way (57–60, 103–08). Noting that there are many humans (children and the intellectually disabled, for example) who also lack the intellectual or communicative capacities ordinarily viewed as prerequisites for citizenship, they draw on recent literature in disability studies to reframe citizenship-along with associated concepts such as dependency, agency and participation-in ways that can accommodate both sentient animals and those human citizens who are unable to participate unassisted in the activities and discourses expected of citizens. Building on notions of "dependent" or "assisted" agency, they argue that domestic animals, like children or severely intellectually disabled humans, can participate fully in political life so long as they have trusted "enablers" or "collaborators" who can translate their conceptions of the subjective good and faithfully represent their interests in broader political debates (108-22, 153-54). Wild animals, however, because they choose to live outside the bounds of human society and "exhibit no inclination to join into society with us" (177), must be viewed as (foreign) citizens of their own self-governing sovereign communities, where they presumably have the capacity to participate as full citizens in accordance with their own very different norms of political participation.

Donaldson and Kymlicka's argument is an interesting one, and some of their reasons for advancing it (such as presenting a reasoned politics that would justify the end of factory farming) are laudable. It is likely that if their model of citizenship were actually implemented in contemporary US or Canadian society, it would bring about the end of many of the abuses to which animals are now subject (or, at least, it would render them illegal), but Kymlicka and Donaldson see their model as much more than a tool specifically designed to bring about the end of animal abuse in industrial societies. Indeed, they present it as rooted in moral and sociological universals and assert that it should therefore govern human-animal relations everywhere (13, 44–49). But just how compatible is their model of animal citizenship with northern indigenous hunters' view of proper human-animal relations? And what might be the effects of its extension into a northern indigenous context?

Zoopolis and Northern Indigenous People

At first glance, Donaldson and Kymlicka's insistence that (some) animals be viewed as political subjects rather than as mere objects (12) does seem

to resonate with Borrows' vision of "landed citizenship" and with northern indigenous hunters' notions of animals as political actors. Upon closer examination, however, the incompatibilities become apparent. Take, for instance, Donaldson and Kymlicka's assumption that moose, wolves, caribou and the other animals northern First Nation people hunt are "wild." They define wild animals as, "precisely those animals who avoid human contact. [Unlike domesticated and liminal animals] wild animals show a clear preference to be independent of humans.... They exhibit no inclination to join into society with us" (177). By their definition, then, wild animals stand outside of (though they can be severely impacted by) human society. But this is not at all how northern First Nation people conceive of the animals they hunt. To them, these "wild" animals are sentient social beings with whom they are engaged in long-term and ongoing social relations.⁶ Far from preferring to remain outside of human society, those animals Donaldson and Kymlicka regard as "wild" are viewed by northern indigenous people as full and willing members of society.7

Donaldson and Kymlicka's citizenship model cannot accommodate this view. Even if they were willing to accept an expanded definition of society that included those animals they classify as liminal and wild in addition to domesticates (a move that would essentially eliminate those two categories), the nature of citizenship they are willing to extend to animal members of that society remains incompatible with northern indigenous conceptions of animal personhood. Unlike Donaldson and Kymlicka, northern indigenous people do not regard animals as incapable of participating in the political process without human aid. On the contrary, animals and other non-human persons are already powerful actors who play a vital role in northern indigenous society; they do not require the help of human "enablers" to communicate their needs or facilitate their participation in politics. These sentient and spiritually powerful beings are perfectly capable of protecting their own interests and communicating their needs and desires directly to humans.

In fact, northern First Nation peoples have long regarded themselves as among the *least* powerful of all the various kinds of persons inhabiting the landscape. Although they recognize the mutual interdependence of humans and animals, they view the relationship as unequal. After all, human people depend for their very survival on the goodwill of their animal benefactors, and if animals are offended they may refuse to give themselves to hunters in the future. Recognizing their indebtedness to the powerful other-thanhuman persons upon whom they depend for their very existence, northern indigenous people cultivate a sense of humility in their dealings with them. Indeed, many northern indigenous people believe that animals are moved by pity to help humans. As anthropologist Jean-Guy Goulet puts it: "Dene Elders always emphasized how pitiful they were when they encountered their animal helpers. The poverty and pitifulness in question is not so much a material one as an existential one. The recognition of one's existential poverty compared to other beings is the necessary condition to become the recipient of gifts and powers from these other beings" (1998: 66). Mary Black-Rogers points out that among the Anishinabe, to "be pitied" by and to "receive a gift" (1986: 367) from a more powerful being are one and the same thing (for a discussion of similar beliefs among the Rock Cree, see Brightman, 1993: 81). If, as disability scholars urge us to do, we replace the autonomy-dependence dichotomy "with a gradient scale in which we are all in different ways and in different degrees both dependent upon others and independent" (Arneil, cited in Donaldson and Kymlicka, 2011: 270 n.6), then in northern hunters' view of the world, human people are much closer to the dependency end of the spectrum than are animal people.

Animals are not merely powerful actors in northern indigenous society; they also play an overtly political role. They can understand human speech (whether spoken or merely thought), and it is they, not humans, who authored many of the laws that still govern not only human-animal interactions but also social relations among humans. The sharing of meat, for example, is a central aspect of social relations among indigenous people across the north, who have made it clear that they share meat not only out of a sense of duty to family and friends, but also, and perhaps even more importantly, because the animals demand it.8 Animals communicated their laws, including the requirement to share their bodies with kin and neighbours, directly to particular humans in the distant past; these laws have been passed down from one human generation to the next as a body of stories that teach people how to behave properly toward one another and toward the various animal and other non-human people inhabiting their world.⁹ Despite the ancient origins of these laws, animals continue to enforce them-sometimes quite harshly.¹⁰ They also continue to communicate with humans by speaking to them in their dreams, visions and the occasional waking encounter (Nadasdy, 2007: 33-34). Perhaps most importantly, animals play an ongoing role in the political education of First Nation people by cultivating in them the attitudes and interpersonal skills they will need if they are to assume their roles as fully competent adult members of human-animal society (Nadasdy, 2003: 100-08). Despite the dramatic changes in northern indigenous society over the past hundred years, many northern First Nation people continue to act in accordance with the laws received from animals in the distant past as they try to maintain proper relations with one another and the other-than-human persons upon whom they depend.

Finally, Donaldson and Kymlicka's citizenship model recognizes as political agents only a small fraction of those recognized by northern indigenous people. Donaldson and Kymlicka are willing to grant political agency only to those beings they believe capable of experiencing the world subjectively, because "only a being with subjective experience can have interests, or be owed the direct duties of justice that protect those interests" (2011: 36). In their view, this excludes from potential citizenship all abiotic elements of the environment as well as the vast majority of living organisms, including all plants and many (lesser) animals. "A rock," they assert, "is not a person. Neither is an ecosystem, an orchid, or a strain of bacteria. They are things. They can be damaged, but not subject to injustice. Justice is owed to subjects who experience the world, not to things. Nonsentient entities can rightfully be the objects of respect, awe, love and care. But, lacking subjectivity, they are not rightfully the objects of fairness, nor are they agents of inter-subjectivity, the motivating spirit of justice" (36). Their assumptions about which beings possess sentience, however, do not correspond at all with those of northern indigenous people, who recognize the sentience and personhood of all animals. They also recognize the sentience and personhood of plants and even abiotic parts of the environment, including rocks.¹¹ This suggests that these beings, too, are full members of northern indigenous political society. Indeed, this resonates with Borrows' notion of "landed citizenship," which we saw earlier includes not only "the fish, birds, plants, and animals" but also, "the water, wind, sun, and stars" (Borrows, 2002: 138). It is hard from the vantage point of liberal political theory to see how plants, rocks and stars-even with human enablers to assist them-could possibly assume their roles as full citizens, which is no doubt at least in part why Donaldson and Kymlicka reject them.¹² The problem with any effort to apply Donaldson and Kymlicka's model of citizenship to northern First Nations is that neither the sociological nor moral principles underlying Zoopolis are as universal as they claim them to be.

The Cultural Specificity of the "Universal" Principles Underlying *Zoopolis*

On sociological universality

Before discussing the sociological principles at the root of Donaldson and Kymlicka's model, it is important to note that the beings that populate *Zoopolis* (human, animal, plant, mineral), and liberal political theory more generally, are fundamentally different kinds of beings than those encountered by northern First Nation hunters. Despite Donaldson and Kymlicka's assertions of universality, their model of citizenship is predicated on the assumption that humans, plants and animals are the kinds of beings that they, rather than northern indigenous people, believe them to be. To accept Donaldson and Kymlicka's model, then, is implicitly to deny the existence of the kinds of beings northern indigenous hunters

encounter in the world and so to consign First Nation understandings about the nature of animals, plants, rocks, stars—and even humans—to the realm of irrational superstition.¹³ Many Euro-Americans, including those otherwise sympathetic to First Nation causes, are likely uncomfortable with the assertion that animals, plants and rocks are "really" the kinds of beings First Nation hunters say they are; but the choice between the kinds of beings that inhabit Zoopolis and those encountered by First Nation hunters is not a choice between a culture-free reality on the one hand and a cultural construction on the other. The beings that inhabit Zoopolis are every bit as much the products of culture as those who inhabit the world of northern First Nation hunters. Indeed, Zoopolitans, the sentient ones at least, turn out to be liberal individuals, those strange imaginary beings produced by capitalism and justified by liberal political theory.

Scholars from a wide variety of traditions both within and outside of political theory have argued that the "individual" is not so much the basic building block of society as it is a construction that arises from a particular set of social and political processes. Michel Foucault, for instance, argues that "the individual is not to be conceived as a sort of elementary nucleus, a primitive atom.... In fact, it is already one of the prime effects of power that certain bodies, certain gestures, certain discourses, certain desires, come to be identified and constituted as individuals. The individual is not the vis-à-vis of power; it is one of its prime effects. The individual is an effect of power" (1980: 98).¹⁴ Other scholars (Mehta, 1999) have pointed out that the liberal individual, rooted as it is in particular assumptions about human reason and historical progress, has long served as an important justification for colonialism. For their part, anthropologists (Marriott, 1976; Strathern, 1988) have helped expose the liberal individual as the cultural construction it is by providing detailed ethnographic analyses of alternate forms of personhood.

So the world of Zoopolis is populated by a culturally specific kind of being, the liberal individual; and, like all liberal individuals, those inhabiting Zoopolis are "naturally" bound together in politico-territorial units that resemble the nation-state. Indeed, Donaldson and Kymlicka acknowledge that their concept of citizenship, in all its complexity, "flow[s] from the more basic fact that *human society* is organized into distinct, territorially bounded, self-governing communities" (2011: 13, emphasis added). They then derive the citizenship status of different categories of animals from their socio-spatial and moral relationship to those putatively natural politi-co-territorial units: domesticated animal citizens are fully integrated into and dependent upon them; liminal animal denizens reside within them but are neither fully integrated nor completely dependent upon them; and wild animals are those who would prefer to remain outside of them. As it turns out, however, Donaldson and Kymlicka's "basic fact" about "human society" is not a universal at all; it is, rather, a culturally and historically particular view of human social organization that is closely associated with the rise of the territorial state system.¹⁵ There are, in fact, many forms of non-territorial political organization (Appadurai, 2003; Evans-Pritchard, 1940; Thongchai, 1994). This is not to say that territorial strategies are never used in such societies, but only that territoriality is not their organizing principle, as it is in the territorial state.

As it turns out, indigenous society in what is now northern Canada was not historically composed of distinct political entities, each with jurisdiction over its own territory. Rather, territorially organized polities of the sort Donaldson and Kymlicka view as natural are quite a recent phenomenon there (Nadasdy, 2012). Today's self-governing First Nations, which by contrast *are* territorially ordered, have emerged only in the last few decades with the ratification of comprehensive land claim and self-government agreements, and their territorial form is closely linked to the legacy of colonial rule. These modern treaties, then, do not simply formalize jurisdictional boundaries among pre-existing First Nation polities; rather, they are mechanisms for *creating* the legal and administrative systems that bring those polities into being; and the politico-territorial practices they engender are incompatible with many Yukon First Nation's peoples' ongoing beliefs and practices (see Nadasdy, 2012, forthcoming).

Any attempt to extend First Nation citizenship to animals along the lines laid out by Donaldson and Kymlicka, then, not only does violence to indigenous understandings of animal personhood and human-animal relations, as described above, but would extend the territorializing process that is currently transforming indigenous societies across the north and rendering many of their core beliefs, practices and values nonsensical. Indeed, the political subjects of Zoopolis—along with the theoretical edifice Donaldson and Kymlicka construct around them—take the territorial state entirely for granted. Laura Janara sums up the situation nicely: "Zoopolis comes to assume the liberal political state and to therein add animals" (2013: 740).

In their response to Janara, Donaldson and Kymlicka acknowledge that "our model takes this system of territorially bounded nation-states as our starting point. Indeed, in its most schematic form, one could say we simply insist that DAs [domesticated animals] be recognized as members of 'the people' in whose name nation states govern, while wild animals should be seen as exercising citizenship within their own territorial sovereignty....This extension of liberal citizenship to DAs is radical in one sense—since no existing state has adopted or even contemplated it—but in another sense it can be seen as conceptually conservative. Why stick with this tired old model of political order?" (2013: 772). They answer their own question with the assertion that "even if we think there are better ways of organizing society and politics in the future, animals should not have to wait for this future political order to have their claims of justice met." This is fair enough, but this admission of the normative and culturally specific assumptions underlying their model stands in stark contrast to their assertions, in *Zoopolis*, of the model's universal applicability (2011: 13, 44–49, 53).

More importantly, their reasons for sticking with the "tired old model" of liberalism take for granted the notion that the territorial state is the only game in town, and that any potential alternatives exist only in the imagination of political theorists. As we have seen, however, northern First Nation people organized—and in many ways continue to this day to organize—their politics and societies in a fundamentally different way. Indeed, it is precisely the imposition of land claim and self-government agreements—based as they are on many of the same assumptions about politico-territoriality and bounded citizenship that undergird Donaldson and Kymlicka's model—that is contributing to the transformation (some would say destruction) of those alternative forms of sociopolitical organization (Nadasdy, 2012). Any effort to impose Donaldson and Kymlicka's model on northern First Nation people cannot help but facilitate the spread of the territorial state form they mistakenly see as already universal.

Indigenous people around the world today make claims in the language of sovereignty not because territorially ordered politics is a human universal but because a conception of the world as a "modular" system of sovereign states has become so naturalized as to be nearly hegemonic (Anderson, 1991; Murphy, 1996). And the global proliferation of the sovereign state model has been neither accidental nor innocent. As a wide range of scholars has argued, the rise of the international state system was the result of a conscious effort on the part of European powers to delegitimize the political systems of those they colonized (Anaya, 2004; Strang, 1996). Indeed, state territoriality is so central a component of the colonial project that it structures even the possibilities for anti-colonial struggle, a process that has spawned "derivative" states and state-like polities around the world (Chatterjee, 1993; Nadasdy, 2012). And this state-generating colonial process has subjected not only indigenous humans but also animals (to say nothing of other environmental "resources") to regimes of colonial exploitation (a point also made by Janara, 2013: 743–44).¹⁶ As a result, the creation of state-like First Nation governments, complete with their own wildlife management bureaucracies for "managing" the environmental resources under their jurisdiction, must be viewed, at least in part, as an extension of the territorial state system that has been so damaging to both humans and animals (Alfred, 1999: esp. 56; Nadasdy, forthcoming). To treat the sociological assumptions underlying Zoopolis as human universals, then, is to ignore the ongoing processes of exploitation that have made them appear to be universal in the first place.

On moral universality

If anything, Donaldson and Kymlicka's claims about the moral universality of their model are even more suspect than their claims about its sociological universality. They take the position that killing animals is morally permissible "only if and when it is a tragic necessity" (2011: 47). In this way, they condemn as immoral not only contemporary factory farming, but all consumption of animal products. It is true that they make an exception for indigenous hunters (on the grounds that they had no choice but to kill animals to survive, that is, for them hunting was always a "tragic necessity"); indeed, they go so far as to claim that the moral position they advocate is, "closer to traditional indigenous attitudes than to the mainstream attitudes of Western societies for the past few centuries" (47). There is indeed a moral tension in northern First Nation hunters' views of hunting (see Brightman, 1993; Nadasdy, 2007),¹⁷ and indigenous hunters do generally subscribe to the notion that killing animals should only be done when necessary (though, as we shall see, their ideas about what constitutes necessary killing differ substantially from Donaldson and Kymlicka's).¹⁸ Despite these apparent similarities, however, Donaldson and Kymlicka's moral position is antithetical in many ways to contemporary First Nation hunting. First, consider the way they frame the moral exception they grant indigenous hunters.

At different stages of human history, or in particular contexts [which they refer to as "lifeboat cases"] humans have no choice but to harm and/or kill animals in order to survive. ...In the past the circumstances of justice may not have applied to many human-animal interactions¹⁹ and the killing of animals may unavoidably have been a central and enduring part of a group's survival strategies. And there may still be some isolated communities of humans dependent on limited local options for survival, who arguably are not in the circumstances of justice with animals. (2011: 41)

It is clear from this passage that Donaldson and Kymlicka view hunting through a social evolutionary lens: hunting was a primitive stage of human development that can and should be transcended. Traditional indigenous hunting societies, in their view, were isolated and—due to the extreme scarcity of resources—they were locked in a deadly struggle for survival that precluded the possibility of justice in human-animal relations (and perhaps, though they do not state this explicitly, among humans as well). Anthropologists, however, decisively refuted this view of hunter-gatherers nearly 50 years ago, and I know of no anthropologist with expertise in hunting societies who would endorse it today.²⁰ That problem aside, however, it is clear that the exception Donaldson and Kymlicka make for "traditional indigenous" hunting societies that are no longer "isolated"

or "dependent upon limited local options for survival," criteria that effectively exclude nearly all hunting peoples on earth today. According to their moral logic, if indigenous hunting peoples can now buy vegetables in the supermarket to sustain themselves (and, thus, the "circumstances of justice" now apply to their relationship with animals), then they are morally obligated to become vegans. Although Donaldson and Kymlicka are wary of imposing their morality on others (particularly on indigenous people, see 2011: 44-45, 48), their overly narrow view of what can qualify as the "necessary killing" of animals (extreme isolation or "lifeboat cases") makes it nearly impossible for them to refrain from doing so, at least implicitly. Indeed, it is not at all clear that they approve of hunting by contemporary indigenous peoples who wish to maintain their cultures and ways of life (on the central and ongoing importance of hunting in northern indigenous society, see Nadasdy, 2003: ch. 2; Wenzel, 1991). As it turns out, Donaldson and Kymlicka are hardly alone among animal rights theorists in their unwillingness-or inability-to adequately take account of contemporary indigenous hunting in their moral theorizing (for critiques, see Lynge, 1992; Wenzel, 1991).

In spite of their professed hesitation to impose their morality on others, Donaldson and Kymlicka assert that it is "our" (universal) obligation "to try to sustain the circumstances of justice where they exist and to move towards the circumstances of justice where they do not yet exist" (2011: 42). This suggests that, if there are any isolated hunting societies still out there, it is our moral duty to end their isolation and their dependence on local (animal) resources and to give them access to supermarkets where they can buy plant-based foods, thus moving them toward the conditions of justice and rendering their older hunting way of life immoral and unjust. Thus, although Donaldson and Kymlicka are themselves well awareand explicitly critical-of the way Europeans have historically used the supposed moral failings of the colonized to justify colonialism (44–45, 48), it is hard not to view their own assertion about "our" obligation to "move towards the circumstances of justice where they do not vet exist" as precisely such a justification. Hunting, for them, is clearly a primitive and morally inferior stage in human development that must be transcended.²¹ They themselves might not be comfortable imposing their morality on indigenous people, but if they were to succeed at convincing us all of its universality, then surely there would be no shortage of people willing to do so. The imposition of animal rights discourse on human-animal relations across the north (as, for example, in the anti-sealing and anti-fur campaigns) has already inflicted grave harms on northern indigenous communities (Lynge, 1992; Wenzel, 1991); so general disclaimers against imposing one's morality on indigenous peoples are simply not sufficient here. If Donaldson and Kymlicka are really intent on asserting the universality of their moral argument, then they need to acknowledge and attend to the very specific ways their argument might harm real indigenous people who have long struggled to maintain their distinctive cultural practices and ways of life under circumstances of extreme duress, often against powerful others seeking to "improve" them morally (see Hendrix, 2010).

Conclusion

Citizenship is not an indigenous concept in northern Canada. Although scholars occasionally define "citizenship" very broadly, as for example when Kymlicka and Norman assert that it is simply "a political identity, an expression of one's membership in a political community" (2000: 301), this seems to me overly broad. In fact, the modern concept of liberal citizenship does not denote membership in just any type of political community, but rather one modeled on the territorial state. Citizenship is the mechanism used by states-and some state-like political organizations, including newly self-governing First Nations-to formally define their membership, that is, the body of people in whose name they govern. In the absence of a system of territorially ordered states, or, in the case of northern Canada, state-like First Nations, the notion of citizenship does not make much sense. And indeed, the idea that the indigenous people of northern Canada were citizens of specifically bounded First Nations, each with jurisdiction over its own distinct territory would have made little sense to them until just a few generations ago. Before that, there were no First Nations citizens, because there were no First Nations for them to be citizens of (Nadasdy, 2012).

To their credit, Donaldson and Kymlicka stretch the liberal notion of citizenship about as far as it can go in accommodating non-humans.²² Yet, their model cannot accommodate the social and political relations that characterize the indigenous societies of northern Canada. The problem lies precisely in the statist implications of the citizenship concept. Animals and other non-human persons were indeed full political subjects in northern indigenous society, but they no more derived that status from their membership in some territorially ordered indigenous polity than did northern indigenous people themselves. Rather, their political role emerged through their participation in ongoing relations of kinship and reciprocity with all the various kinds of persons inhabiting the northern forest, human and non-human alike. Flexible though it may be, the liberal concept of citizenship simply cannot accommodate such a view of the world.

This suggests that Taiaiake Alfred may be right to view the liberal concept of citizenship as fundamentally incompatible with a genuinely decolonized indigenous politics, even when expanded in the manner advocated by Donaldson and Kymlicka. By contrast, the relevant political community referenced by Borrows concept of "landed citizenship" is not the state (or state-like First Nation), but all of creation. Far from representing a straightforward expansion of liberal citizenship, Borrows' concept of landed citizenship implies a radical rethinking of law and politics from the ground up.²³ In such a politics, viewing the land and animals as full political actors would be common sense. It would not require the elaborate justification provided by Donaldson and Kymlicka in *Zoopolis*. On the contrary, it would seem as natural as the need to deny citizenship to rocks and plants seems to Donaldson, Kymlicka and others whose politics are rooted in the ontological assumptions of liberalism.

Notes

- 1 The American Heritage dictionary defines a *citizen* as "a person owing loyalty to and entitled by birth or naturalization to the protection of a state." On the centrality of the state to conceptions of citizenship, see also Brubaker (1992), Torpey (2000), Turner (1990: 193).
- 2 It is actually a bit difficult to pin Borrows down with respect to citizenship. In parts of his essay on landed citizenship (for example, 2002: 157) as well as in some of his subsequent writings on citizenship (Borrows, 2010a: 156–59), he does advocate for the extension of liberal-style First Nation citizenship (that is, full membership in the First Nation body politic, including voting rights and everything else that would entail) to those non-indigenous (human) people who live in First Nation territory and agree to participate in processes of First Nation governance.
- 3 As we shall see, the "we" Donaldson and Kymlicka regularly invoke is culturally specific.
- 4 They note that, "people have trouble connecting the concepts of 'animal' and 'citizenship': they belong to different intellectual registers" (Donaldson and Kymlicka, 2011: 54) and claim that "one of the very few to even mention the possibility [of animal citizenship] is Ted Benton, who immediately dismisses it" (269, fn 2). Remarkably, they never mention Borrows' notion of landed citizenship, despite the fact that an earlier version of his article appeared in a volume co-edited by Kymlicka (see Kymlicka and Norman, 2000).
- 5 Following John Rawls, they list these as "(i) the capacity to have a subjective good, and to communicate it (ii) the capacity to comply with social norms/co-operation; (iii) the capacity to participate in the co-authoring of laws" (Donaldson and Kymlicka, 2011: 103).
- 6 The ethnographic literature on this is voluminous. Despite regional cultural variation, the basic assumption that hunting entails a reciprocal social exchange between humans and the animals they hunt is widely shared across the continent. For a selection of ethnographic sources spanning North American subarctic, see Nelson (1983), Nadasdy (2007), Smith (1998), Brightman (1993), Hallowell (1960) and Tanner (1979).
- 7 This is a point made by Hallowell (1960) more than a half century ago. Michael Asch (1989) has explicitly argued that the concept of wildlife is inappropriate in the northern indigenous context precisely because it effaces the web of social relations in which hunters and animals are enmeshed.
- 8 For a list of sources providing examples of this belief among a wide range of northern indigenous peoples, see Smith (2002: 61). On this belief among the Inuit, see Omura (2013) and Wenzel (1991).
- 9 That traditional stories should be considered a body of indigenous law on par with Canadian common law is a point made powerfully by Borrows (2002: esp. ch. 1 and 2).

In the Yukon, the Northern Tutchone First Nations have sought to reframe what is commonly referred to as the "traditional knowledge" contained in long-time-ago stories as *Dooli*, or "traditional law" (Natcher et al., 2005: 245).

- 10 On enforcement, see Nadasdy (2003: 94) and Nelson (1983: esp. 21–27).
- 11 On the sentience of rocks, see Hallowell (1960: 24–30) and Borrows (2010a: 245–48).
- 12 One does not, however, have to be an indigenous hunter to subscribe to the idea that the "lower" animals, or even plants, might be sentient or have subjective experience of the world. Anthropologist Natasha Myers (2015) describes how recent discoveries are causing contemporary plant scientists to expand the notion of sentience (along with related concepts such as agency, knowledge, memory, anticipation and affect) to include plants. In a manner reminiscent of Donaldson and Kymlicka's move in Zoopolis, they suggest that it is our excessive focus on cognition and rationality that obscures the complex ways plants can be said to sense, communicate, learn about, anticipate and interact with the other beings in their environment. While none of them suggests that plants should be granted citizenship, some, including Nobel Laureate Barbara McClintock, have argued not only that plants have agency that is different from but on a par with that of animals, but also that with patience and attentive care humans can learn to perceive aspects of the "vegetal sensorium" and so gain an intimate knowledge of and affinity for their plant interlocutors and an understanding of their subjective needs. If we accept the notion that some people might serve as "enablers" who facilitate domesticated animals' participation in politics, why not make the same allowance for those with an intimate understanding of sentient plants?
- 13 The same might be said of most social theory; see Ingold (2000) and Nadasdy (2007).
- On the liberal individual as an effect of power, see also Macpherson (1962), Marx (1972: 41–46) and Okin (1989), among others.
- 15 Donaldson and Kymlicka claim that, "virtually all major traditions of political theory... have operated on the assumption that human beings organize themselves into distinct bounded political communities" (2011, 301), and they endorse this assumption about the nature of "human" political organization on the grounds that a political system without territorial boundaries cannot accommodate human beings' capacity to develop morally significant attachments to places, communities and ways of life. Their error is to conflate a sense of place with territoriality. While it may be true that all people everywhere develop morally significant attachments to place, it does not follow from this that they all organize their politics territorially. For a brilliant and evocative analysis of an extremely rich yet non-territorially ordered sense of place, see Basso (1996).
- 16 The literature exploring the close relationship between colonialism, the exploitation of wild animals, and the complex role played by state wildlife managers in these processes is large and growing. See, for example, MacKenzie (1988) and Beinart (2007). For works focusing on the Canadian north in particular, see Sandlos (2007) and Kulchyski and Tester (2007).
- 17 Many ethnographers have noted a tension in the ideology of indigenous hunting with regards to the nature of the relationship between hunters and their quarry. While some beliefs and practices seem to be rooted in an understanding of hunting as a reciprocal relationship (in which animals give themselves willingly to hunters), others appear to be premised on the existence of a more adversarial relationship (in which hunters must overpower or trick animals into being killed). While Brightman and Nadasdy both acknowledge the existence of this tension, they analyze it in very different ways.
- 18 See, for example, Nadasdy (2003: 75–79; 89–90; 120, 276, fn. 20).
- 19 Following Rawls, they argue that justice is not a possibility when there is such a severe scarcity of resources that the act of recognizing the legitimacy of another's claims undermines one's own possibilities of existence (Donaldson and Kymlicka, 2011: 41.

- 20 We now know that a hunting and gathering way of life can provide people with significant surpluses and leisure time (the classic texts here are Lee and DeVore, 1969; Lee, 1979; Sahlins, 1972). We also know that people have at times willingly abandoned farming in favour of hunting (see Balée, 1992), rendering problematic any notion of a unilinear evolutionary trajectory from hunting to farming. Anthropologists also now reject any suggestion that hunting societies are "traditional" in contrast to "modern" Western society. Indeed, contemporary hunting societies are every bit as modern as everyone else; they have adapted to new technologies (as they have always done) and to their often violent incorporation into nation states while at the same time maintaining distinctive cultural assumptions about the nature of animals and human-animal relations (among other things). For an eloquent critique of the traditional-modern dichotomy, see Brody (1987: 169–85).
- 21 Mehta (1999) points out that such assumptions about progress and universal history are central to liberalism and its justification of imperialist expansion and the political domination of "primitive" others.
- 22 Some, however, have argued that in seeking to extend the concept of citizenship to animals, Donaldson and Kymlicka have not so much expanded as fundamentally transformed it (see Planinc, 2014).
- 23 Taken as a whole, Borrows' work can be read as an attempt to develop just such a decolonized political and legal framework (Borrows, 2002, 2010a, 2010b).

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