Reclaiming Respect:
An Indigenous Response to Regan

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1. Introduction

Tom Regan argues for egalitarian nonhuman animal (hereafter 'animal') rights. He claims that the "wrong isn't the pain, isn't the suffering, isn't the deprivation" (Regan "The Radical" 31) but rather it is "the system that allows us to view animals as our resources" (Regan "The Radical" 31). Ascribing inherent value to animals, where "all possess it equally, and all have an equal right to be treated with respect" (Regan "The Radical" 36) elevates the moral status of animals to the same level as humans. Thus, Regan argues against animal industries like commercial agriculture, biomedical research, and hunting, not because the animals used in these industries suffer, but because they are not treated in ways that respect their inherent worth.

I argue that what matters morally is not that we use animals as resources, but whether we are able to maintain equal respect for the animals. Using an indigenous framework, I argue that hunting is morally permissible for indigenous peoples because they ascribe equal respect to animals. I appeal to the philosophy of three indigenous tribes—the Lac du Flambeau, Hopi, and Kluane Nations[1]—to show that indigenous hunting practices honor animals' inherent value. As such, these indigenous communities (and probably many more) incorporate animals into a broadly egalitarian account that better aligns with the many ways that humans and animals interact with each other in the world.

2. Regan's View

First, let's outline Regan's position. Regan's work is in large part a response to Peter Singer. Singer argued that industries like animal agriculture, biomedical research, and hunting are morally indefensible because animals are sentient—they are capable of feeling pleasure and pain. Animals in these industries experience immense suffering, and suffering is inherently bad. It is this suffering, not the death of the animal, that is the wrong, according to Singer and other utilitarians. So, according to Singer, we need abolish the practices.

Regan agrees with Singer's conclusions but disagrees with the reasoning Singer utilizes to get to his conclusions. For Regan, the wrongs do not arise from the suffering, but rather because the animals are not treated as individuals with inherent value.

Regan appeals to a respect principle: "*We are to treat those individuals who have inherent value in ways that respect their inherent value*" (*The Case* 429). This is an egalitarian, non-perfectionist interpretation of formal justice that entails certain rights for the animals, and certain duties from us humans.

Regan thinks the fundamental right that animals have is a right to respectful treatment. This necessitates a negative duty: Animals "must never be treated *merely as a means* to securing the best aggregate consequences" (*The Case* 431); Additionally, we have a positive duty towards animals, a "prima facie duty to assist those who are the victims of injustice at the hands of others" (Regan *The Case* 431). So, we have duties of non-harm and duties of assistance, irrespective of the suffering these animals experience, and regardless of the positive consequences that arise from our use of the animals.

Regan's view avoids some potential problems that many utilitarian perspectives cannot avoid. Since the utilitarian cares about suffering only, industries that do not cause suffering, but still result in the death of the animal, can be morally justified under the framework. Regan's view does not have this implication. In most cases, killing an animal, regardless of how painless the death is, is wrong.[2] It violates Regan's respect principle and violates the animals' right to respectful treatment. It violates the animal's inherent worth. Killing animals violates the negative duties we owe the animals.

The next question is which animals have inherent value—i.e. which animals have these rights? Regan appeals to a subject-of-a-life criterion to answer the question of which animals count as inherently valuable. Creatures who have

> beliefs and desires; perception, memory, and a sense of the future, including their own future; an emotional life together with feelings of pleasure and pain; preference-and welfare-interests; the ability to initiate action in pursuit of their desires and goals; a psychophysical identity over

> time; and an individual welfare in the sense that their experiential life fares well or ill for them, logically independently of their utility for others and logically independently of their being the object of anyone else's interests (Regan *The Case* 422)

This does not explicitly answer the question of which animals qualify as subject-of-lives. In this paper, I focus on deer hunting. Regan claims that "mentally normal mammals of a year or more" (*The Case* 19) are subject-of-a-life. Most deer hunted are between 1.5 and 3.5 years old. So, for the purposes of this paper, we do not need to know exactly where to draw the line between animals with inherent value and animals without. Under Regan's view deer are subjects-of-lives, which means they qualify as animals with inherent value. Thus, Regan believes that deer have a right to respectful treatment.

2.1 Why Deer Hunting is Wrong

Regan thinks that deer hunting is wrong because "wild animals are not natural resources *here for us*" (*The Case* 584). According to Regan, when hunting a deer, we are using them for our purposes only. We neglect to take into consideration that deer "have value apart from human interests, and their value is not reducible to their utility relative to our interests" (Regan *The Case* 584).

The hunting industry is morally unacceptable because "Animals in the wild are treated as renewable resources, as if they had value only relative to the economic interests of those who feed off their dead carcasses" (Regan *The Case* 586) To hunt deer "is to fail to treat them with the respect they are due as a matter of strict justice" (Regan *The Case* 584).

In the next couple of sections, I discuss two different arguments Regan responds to concerning deer hunting. Both are relevant to the indigenous perspectives I cover later in the paper, so it is worth exploring Regan's specific reasons against each.

2.2 Against Tradition

One argument for the acceptability of deer hunting is that it is part of many culture's traditions. Citing traditions like fox hunting in Great Britain, Japan or Russia's commercial whaling, and Canada's slaughter of seals, Regan claims that

> all that appeals to tradition signal in this case, and all they signify in related contexts, is that it is traditional to view animals as mere receptacles or as renewable resources. These appeals to traditions, in other words, are themselves symptomatic of an impoverished view of the value animals have in their own right and thus can play no legitimate role in defending a practice that harms them (*The Case* 580).

Tradition in and of itself does not morally justify the practice. Just because we have been participating in a practice for generations does not mean the practice is morally acceptable.

2.3 Against Ecosystem Management

Another common argument in favor of the moral permissibility of hunting is that hunting promotes ecosystem management. When an ecosystem lacks balance, perhaps due to the elimination of predators in the area, we run into overpopulation problems with certain animals, including deer. When there is an overpopulation of deer, there will eventually come a time when there are too many deer and not enough foliage for the deer to eat. This results in the starvation of many individual deer. Hunters often argue that death by hunting is preferrable to death by starvation.

This is a utilitarian argument. As mentioned above, Regan believes we have a negative duty to the animals—we cannot justify violating their rights simply to produce the best aggregate consequences: "Policies that lessen the total amount of harm at the cost of violating the rights of individuals… are wrong" (*The Case* 583). Even if hunting is a better death than starvation (an assumption Regan argues against), fundamentally, "it is the animals' untimely death, not merely their pain and suffering, that is morally relevant" (Regan *The Case* 641).

What are we to do in these circumstances? Regan believes we should just let the wild animals be. We should "defend wild animals in the possession of their rights, providing them with the opportunity to live their own life, by their own lights, as best they can" (Regan *The Case* 585) This requires that we keep "human predators out of their affairs, allowing these "other nations" to carve out their own destiny" (Regan *The Case* 586)—where 'other nations' are these animal communities. Ultimately, "*the rights view's position is to let wildlife be. Wildlife management ought to be designed to protect wild animals against hunters, trappers, and other moral agents"* (Regan *The Case* 640).

3. Indigenous Perspectives

Many indigenous philosophies conflict with Regan's position. There are thousands of indigenous communities in the world, and not all hold the same belief system. For the purposes of this paper, I focus on three tribes—the Lac du Flambeau, Hopi, and Kluane First Nation. But it is important to note that there are many other indigenous nations who hold similar philosophies.

In the following sections, I will outline the Lac du Flambeau and Hopi nations' conceptions of respect. I will utilize the Kluane's First Nation's ideals on gift giving to explain their moral justification behind hunting. I will argue against Regan's arguments against tradition by appealing to the indigenous Traditional Ecological Knowledge model. Then I will argue against Regan's arguments

against ecosystem management by appealing to indigenous stewardship.

Both Regan and the indigenous framework utilized here ascribe inherent value to the animals. Both believe that animals deserve respect. The primary difference between the two positions is how that respect manifests. For Regan, respect leads to rights. For many indigenous communities, respect leads to reciprocity. I believe the indigenous framework is preferrable to Regan's position for one main reason: Regan's view neglects the positive duties he claims we have towards the animals, whereas the indigenous framework presented here better satisfies that duty.

3.1 Inherent Value, Respect & Reciprocity

The Lac du Flambeau and Hopi nations both believe that all nature is inherently valuable. This includes humans, nonhuman animals, plants, and non-living nature such as rocks, rivers, and mountains. Thus, according to their philosophy, all of nature is deserving of respect. The Hopi nation writes, "It is our obligation, day by day, to conduct ourselves in a manner that shows our respect for the land and all it contains." (Wildlife & Ecosystems Management Program 2014)

With a worldview like this, it is impossible not to use nature as a resource. Regan avoids this problem because he specifies that his view surely encompasses mature mammals, but he leaves the question open about other potential sources of inherent value. However, he admits that many more creatures might have inherent value, although it is an empirical question of whether more animals than he assumes are subjects-of-lives.

Regan does admit that subject-of-a-life is sufficient but not necessary for inherent value. He writes that, "The very possibility of developing a genuine ethic of the environment… turns on the possibility of making the case that natural objects, though they do not meet the subject-of-a-life criterion, can nonetheless have inherent value" (Regan *The Case* 425).

If non-living nature does have inherent value, then Regan is in trouble. He believes entities with inherent value cannot be used as resources for our aggregate utility. If we were to discover that the indigenous framework is correct, and all nature has inherent value, under Regan's view we would constantly be committing wrongs by using these resources for our benefit.

The indigenous frameworks do not run into this problem. Since they do not ascribe rights to those with inherent value, they commit no wrong by using natural resources. They are still able to respect these natural resources, again not by ascribing them rights, but instead instantiating a system of reciprocity. Under an indigenous framework, we can use nature—humans, animals, plants, and non-living nature—so long as we issue reciprocity when we do use them.

3.2 Deer Hunting and Gift Giving

Now I will outline the connection between hunting and gift giving present in indigenous frameworks. The Hopi Nation writes that "When we hunt, we hunt with

the knowledge that the animal has agreed to make a sacrifice for us. We must repay that sacrifice through our ritual and our offerings. If we do not do this, we have violated our covenant" (Wildlife & Ecosystems Management Program 2014). For the Hopi, the act of hunting is like gift giving. The deer gives his life as a gift to the tribe.

This conception of gift giving is radically different from gift giving in the Western sense. When we typically think of gift giving, we think of it as a spontaneous act, where the gift freely given. This practice of gift giving is not universal amongst all cultures. For example, in some societies where sharing of meat is expected, hunters may try to hide it away, neighbors may resort to various strategies to force them to fulfill their obligation to share the meat. The meat that is forcibly shared is still considered a gift to the people who forced the sharing. Here, with the deer, the same type of strategy is employed, where the deer does not willingly give his life, but his life is a gift, nonetheless. Thus, hunters are obligated to reciprocate. "By accepting such gifts from their animal benefactors, hunters incur a debt that must be repaid through the performance of certain ritual practices" (Nadasdy 24). These ritual practices often include dressing the deer according to gender and making pray offerings to the deer with traditional offerings of objects like Tabacco. The hunter is then expected to share the deer with the community at large.

3.3 The Metaphysics

Joe Johnson, a member of the Kluane Nation states that "All animals used to be people before" (Nadasdy 25). A member of the Lac du Flambeau tribe states that "Just to eat one is an honor, and for him to give his life to feed me is one of the greatest gifts you can ever receive… I wish I could give my life up to feed one of them but I can't, but who knows, one day when you're pushin' up daisies maybe one'll eat off my grave" (Reo and Whtye 21). For indigenous communities, there is more to the reciprocity than just the ritualistic practices upon killing a deer.

Robin Kimmerer, a member of the Citizen Potawatomi Nation, has written on the metaphysical grounding of hunting and harvesting practices. When writing on the honorable harvest, the indigenous set of principles and practices that govern the exchange of life, Kimmerer states that

> The state guidelines on hunting… are based exclusively in the biophysical realm, while the rules of the Honorable Harvest are based on accountability to both the physical and the metaphysical worlds. The taking of another life to support your own is far more significant when you recognize the beings who are harvested as persons, nonhuman persons vested with awareness, intelligence, spirit—and who have families waiting for them at home. Killing a *who* demands something different than killing an *it*. When you regard those nonhuman persons as kinfolk, another set of

> harvesting regulations extends beyond bag limits and the legal seasons (183).

For many indigenous communities, respect is a kin-relation, where all of nature is in essence part of the kin of the tribe. But kin-relations and respect do not entail equal treatment. Humans serve a different purpose in this world than deer, a purpose I discuss below, which does not allow for the same sacrifices as the deer.

3.4 Traditional Ecological Knowledge (TEK)

The Traditional Ecological Knowledge model within indigenous frameworks is the set of knowledges and practices passed down through generations within a tribe. Rather than instantiate tradition for tradition's sake, indigenous communities pass down the knowledge that their ancestries developed through years of practice and experience with the land. This knowledge is context and location specific. We cannot separate TEK from the members of the tribes as the knowledge is acquired after developing the kinship with the land where they have spent so many generations living on and off of.

Within the context of deer hunting, TEK calls for not maximization of utility, but maximization of respect. It is the interconnectedness and interdependence of all nature – both living and nonliving that requires all make sacrifices to achieve ethical harmony. The deer sacrifices it life for the land—for humans, other deer, the ecosystems, etc.

This tradition is not signaling a lack of acknowledgement for the inherent value of the animal, as Regan argued. Rather, the goal is to preserve knowledge of the animal's (and all of nature's) inherent value.

I believe this framework better answers problems of conflicting human and animal interests. We must strike a balance between our interests and the interests of all of nature. Since it is impossible to live without using other humans, animals, and nature as resources, the best we can do is ensure that respect and reciprocity is maintained throughout the process. Indigenous communities accept these consequences and attempt to honor all resources used. Regan, on the other hand, must eventually bite the bullet and appeal to utilitarian principles when serious conflicts between humans and animals arise.

The TEK framework also takes into consideration some practical principles when hunting. First, hunters should never be greedy. There is an expectation that hunters never take more life than necessary. Unlike some Western hunters, the standard is not to target trophy bucks.

Hunters should also be sober when hunting. No drugs or alcohol should be consumed when participating in a hunt. This is to ensure safety for both humans and animals. The goal is to prevent as much pain as possible when killing the deer.

Hunters should also take their time when hunting. They need to conduct "themselves in the woods as if they were in someone else's home" (Reo and Whyte

19). This reflects the kin-relation between the hunter and the hunted.

These values are incredibly important for these communities. Some indigenous nations prohibit their young from watching Western hunting entertainment so that TEK is not corrupted by Western norms.

When thinking about the sacrifices—the deer gives his life, whereas we give up things of less importance seems unbalanced. The reason the sacrifices are different concern the different roles humans and deer have in this world. In the following section, I outline the responsibilities of humans that require sacrifices greater than these practical considerations. Indigenous stewardship requires we humans stay alive and fulfill our unique duties as humans.

3.5 Indigenous Stewardship & Ecosystem Management

When discussing biomedical research, Regan writes that "Lab animals are not our tasters; we are not their kings" (*The Case* 628). The same idea can be applied to wild animals—Regan thinks we do not have dominion over them, so we ought to let them be. The mentality of indigenous communities is similar to Regan in one respect—we do not have dominion over the animals. But the indigenous framework differs from Regan's view because community members still have an obligation and responsibility to care for the environment. Indigenous stewardship is the idea that we do not own the land, but we are the protectors of the land.

The Hopi tribe writes that "It is our obligation, day by day, to protect the plants and animals that need our help" (Wildlife & Ecosystems Management Program 2014). While Regan argues to let nature be, as stewards, members of indigenous communities cannot just let nature be. Indigenous stewardship requires members assume the role of managing and caring for all nature: land, sky, rocks, soil, streams, springs, plants, animals, and other humans. This is the sacrifice that members make. As stewards we cannot give our lives for food and nourishment. We must strive every day to protect the land, and that requires we stay nourished. Hunting satisfies the duty to protect nature because it helps keep ecosystems balanced and keeps hunters healthy so they can best fulfill their stewardship duties.

One fundamental problem with Regan's view is that he neglects the positive duties we have towards animals: the "prima facie duty to assist those who are the victims of injustice at the hands of others" (Regan *The Case* 431). Wild animals are victims of injustice at the hands of us humans. We humans are responsible for climate change. We humans are responsible in large part for ecosystem imbalance. According to Regan, then, we humans have a positive duty to assist these victims. Letting nature be might work well had we not destroyed nature. But we live in a world devastated by human actors, and the deer, as well as nature at large, deserve assistance from those who can give assistance. Indigenous stewards are both willing and able to provide that assistance.

4. Conclusion

In this paper, I argued against Regan's conclusion that hunting is morally impermissible. First, I presented Regan's view. Then I presented the indigenous framework from three tribes—the Lac du Flambeau, Hopi, and Kluane Nations—to defend the conclusion that hunting is morally permissible. I presented their conception of respect, reciprocity, and gift giving. Using these philosophies, I argued that tradition is justified from an TEK model. I showed that we have a positive duty to assist victims of injustice and used the philosophy of indigenous stewardship to show that indigenous communities are attempting to fulfill this duty. As such, under some indigenous frameworks, hunting is morally permissible, because it respects the animals' inherent value by maintaining a system of reciprocity rather than a system of moral rights.

Notes

1. Similar arguments concerning the permissibility of hunting for the Cree Nation have been made by Persinger in her unpublished thesis (2023). The primary difference between my arguments here and Persinger's arguments is my focus on Regan's views concerning tradition and ecosystem management.
2. We can justify violating an animal's rights when their rights conflict with our rights, but the violation of the right is still wrong. Regan uses an example of a rabid fox who has attacked a couple of people. We can justify killing the fox, but the death of the fox is still a violation of the fox's right to respectful treatment. In these cases, we should compensate victims, or we should ensure that the circumstances do not arise again. We cannot compensate the fox in this case, but we can make changes to prevent this circumstance from occurring again, which is what Regan thinks we ought to do.

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