

**Ecocide Is Genocide:
An Indigenous Critique of the Definition of Genocide**

In 1492 European explorers arrived in the Americas, bringing devastating changes to the land, ecosystems, and lives of beings that lived there. Some of this change was wrought unintentionally such as with the diseases, rats, and invasive plant species that came with the settlers. Other changes, like the clear cutting of forests to make way for farms and homesteads, the hunting of game animals to near extinction, and the removal of Indigenous peoples from their traditional lands were more deliberate. For the Indigenous peoples, these changes had long term ramifications for the vitality of their cultures, the effects of which are still being experienced today. According to the worldviews of many Native American cultures, the destruction brought upon the land, water, and nonhuman beings of the Americas was an act of violence against their communities. I argue that this act of violence is an act of genocide and that the study of genocide and our current responses to it are still largely colonial and anthropocentric. In this paper, I demonstrate how the destruction of nonhuman beings constitutes genocide according to Indigenous metaphysics. In *Environmental and Genocide Studies*, the destruction of nonhuman beings and nature is typically treated as a separate, but related type of phenomenon—ecocide, the destruction of nonhuman nature. In this chapter I follow in the footsteps of Native American and First Nations scholars to argue from an Indigenous perspective on nonhuman personhood that ecocide and the genocide of Indigenous peoples are inextricably linked and are even constitutive of the same act. Recognizing that ecocide is genocide challenges the anthropocentrism that is implicit in the current definition of genocide and expands the concept of genocide without significantly altering its official legal definition. I argue that if justice is to be achieved through UN's ability to prosecute genocide then the definition of genocide needs to, at minimum, include ecocide as a recognized act.

I. Cultural Genocide, Social Death, and Ecocide

In 1948 the United Nations ratified the Convention on the Prevention and Punishment of the Crime of Genocide. The definition of genocide therein states:

Genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such:

- a) killing members of the group
- b) causing serious bodily or mental harm to members of the group
- c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part
- d) imposing measures intended to prevent births within the group
- e) forcibly transferring children of the group to another group¹

The term “genocide” (*genos-* meaning race or tribe and *-cide* meaning killing) was coined by

legal scholar Raphael Lemkin, who wanted to describe a crime that, until then, had no name.

Lemkin worked tirelessly to have the UN recognize genocide as a crime, but the process

involved significantly altering his original definition. Unlike Lemkin’s definition, the UN

emphasizes the intention of the perpetrator as a primary aspect of genocide and focuses heavily

on the physical aspects of genocide with little consideration for how acts of cultural destruction

might contribute to the destruction of the group as such. However, according to Lemkin’s

definition, genocide doesn’t necessarily entail the physical destruction of a national or ethnic

group. Rather, genocide signifies,

a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objects of such a plan would be the disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups.²

Whereas the UN definition mainly restricts genocide to acts carried out against the bodies and

individuals of the targeted human group, Lemkin’s definition accounts for a much broader

¹ United Nations, “Convention on Prevention of Genocide.”

² Lemkin, *Axis Rule*, 79.

understanding of what constitutes group destruction. In addition to mass murder, preventing births, and physical destruction, Lemkin also includes the dissolution of political parties, colonization, abolition of local law, censorship, restrictions on language, withholding food and medicine, moral debasement, and crippling economic development. These acts are indirect harms that compromise the quality of life and the ability of a group to carry on as a group. The acts that Lemkin lists destroy a group not by taking lives per se but by forcefully supplanting one group's way of being in the world—the principles, institutions, and values that make that group distinct from other human groups—with the principles, institutions, and values held by another group.

This broader conception aligns with more recent conversations about genocide. Claudia Card, for example, argues that what distinguishes genocide from other crimes against humanity is its role in bringing about social death.³ According to Card, a social group isn't just a collection of individuals, but a set of relationships that are constituted by social, institutional, political, and moral practices. Social death involves the breakdown or eradication of these relationships so that what made life as a group meaningful no longer exists. Genocide, both physical and cultural, inhibits the flourishing, growth, and organic development of these relationships. Though social death can be understood within the terms of the UN definition, Lemkin's account, which directs attention to the destruction of cultural relationships, makes this particular harm more evident.

Recently, there has been renewed interest by genocide scholars in Lemkin's writings. Frustrated by the limitations of the UN definition, researchers like Dirk Moses, Damien Short, and Jürgen Zimmerer see Lemkin's research as one way of conceptualizing problems related to genocide that have been under-theorized or overlooked, especially in regard to colonization.⁴ These authors note that the narrow definition of the UN does a great disservice to colonized Indigenous peoples who were not always killed in the process of colonization, but whose group

³ Card, "Genocide and Social Death."

⁴ Moses, "Empire, Colony, Genocide." Short, *Redefining Genocide*; Zimmerer, "Colonialism."

life was forcibly altered and destroyed through the efforts of colonizers. Even acts that were considered “humanitarian” or “humanizing” such as residential schools, the designation of reservations, and other efforts at assimilating native peoples into the new dominant culture often brought about social and cultural death by depriving people of carrying on traditions, language, and relationships not just with one another but with the land and other elements of nonhuman nature around them. Though there is growing interest in the link between colonization and genocide, the majority of genocide literature, which debates definitions and legal action, perpetuate (often unintentionally) the erasure of the plight of Indigenous peoples as an act of genocide. The experiences of colonized Indigenous people are treated as something categorically different from genocide. For example, in *Native America and the Question of Genocide* Alex Alvarez argues that the term genocide is overused when discussing the harms experienced by the Indigenous peoples of North America. Many of these assertions of genocide, he says, “seem to be based more on a general sense of outrage and horror than on any clear and rigorous understanding about what is or isn’t genocide.”⁵ Though he approaches the claims of genocide in North America with some skepticism, Alvarez doesn’t say genocide didn’t occur. Rather, “care needs to be taken when applying this label to specific historical events.”⁶ Following a review of various episodes of violence perpetrated against Native Americans, Alvarez concludes that the Trail of Tears, though horrific, wasn’t genocide while the residential school system was a form of cultural genocide⁷ and the massacres of Californian Indians were definitely genocide. For him, making this distinction ensures that the power of the word genocide doesn’t become diluted.

Alvarez’s reasons for defining genocide so narrowly might be beneficial for bringing about conceptual clarity and might reflect a consideration for the legal standing of the definition,

⁵ Alvarez, *Native America*, 3.

⁶ *Ibid.*, 4.

⁷ Notice that “cultural” modifies genocide, but isn’t genocide properly so-called.

but mass killing hardly exhausts the methods that can be used to destroy a group. Lemkin's definition, which accounts for the destruction of language, religion, and other cultural institutions provides a more nuanced account of what happened/is still happening to Indigenous peoples around the world. Though Lemkin didn't specifically talk about the destruction of nature in his definition, his definition leaves room for inclusion of this issue. This is relevant for Indigenous peoples whose physical and cultural destruction coincided with their removal from their land, the decimation of various nonhuman animal species, and with alterations to the landscape including the damming of rivers, deforestation, and the introduction of new pollutants. Because many Indigenous cultures lived in close proximity to the other-than-human world around them, the destruction of these relationships would have constituted a type of social death as well.

The majority of genocide literature doesn't seriously or thoroughly analyze the connection between genocide and the destruction of nonhuman nature, otherwise known as ecocide. In this respect most genocide scholarship remains anthropocentric, considering only the destruction of and the dignity of human life to be of consequence. The term "ecocide" was coined in 1970 by a group of scientists to describe the devastation being wrought to the land in Vietnam as a result of chemical weapons like Agent Orange. Later it was defined by lawyer and activist Polly Higgins as "extensive damage to, destruction of or loss of ecosystem(s) of a given territory, whether by human agency or by other causes, to such an extent that peaceful enjoyment by the inhabitants of that territory has been severely diminished."⁸ Because "ecocide" is still a relatively under-theorized subject, the term covers a wide array of acts and harms. Higgins' definition of ecocide doesn't stipulate intent like the UN definition of genocide does. This means that humans may commit ecocide unintentionally or as a means to a different end as in the case of businesses that don't intentionally set out to destroy land, forests, or water, but do so

⁸ Higgins, *Eradicating Ecocide*. 63.

negligently or in pursuit of some other goal. Arthur W. Galston argued in his proposal for an international agreement on banning ecocide, “It seems to me that willful and permanent destruction of environment in which a people can live in a manner of their own choosing ought similarly to be considered a crime against humanity, to be designated by the term ecocide.”⁹ Thus, examples of ecocide are quite varied, including everything from the mass death of bees due to the overuse of pesticides to the clear-cutting of the Amazon Rainforest. Though the concept of ecocide has gained traction among environmentalists and advocates for Indigenous rights, ecocide isn’t considered a crime on the international stage. Only ten countries have adopted laws criminalizing ecocide.¹⁰ Even though the inclusion of ecocide as an international crime has been debated at the UN various times between the years of 1973 and 2010, culminating with a proposal to amend the Rome Statute of the Criminal Court to include ecocide as the fifth Crime against Peace, each effort to incorporate it failed.¹¹ However, as the threats of anthropogenic climate change become increasingly real, there has been a recent resurgence of interest in the connection between ecocide and genocide. As Higgens points out, “ecocide leads to resource depletion, and where there is escalation of resource depletion, war comes chasing close behind.”¹² And often with war comes a surge of crimes against humanity like genocide.

In *Ecocide of Native America*, Donald Grinde of the Yamasee tribe and Bruce E. Johansen link ecocide with the genocide of Native Americans. By examining the testimonies of Native people impacted by a variety of environmental disasters that followed colonization including uranium mining, depletion of fisheries, and destruction of the plains for ranching, the authors demonstrate how these practices have interfered with traditional Native methods of

⁹ Quoted in Short, *Redefining Genocide*, 40.

¹⁰ These include Belarus, Georgia, Kazakhstan, Kyrgyzstan, the Republic of Armenia, the Republic of Moldova, the Russian Federation, Tajikistan, Ukraine, and Vietnam.

¹¹ Higgens, *Eradicating Ecocide*.

¹² *Ibid.*, 62.

engaging with the nonhuman world and the devastating impact this has had on the future of those communities, physically, spiritually, and culturally. According to the testimony of Jewell Praying Wolf James of the Lummi Tribe, the destruction of land, water, and nonhuman life has been central to this experience of genocide:

At one time our plains, plateaus, and ancient forests were respected and not considered a wilderness. The skies were darkened with migrating fowl. The plains were blanketed with massive herds of buffalo. Our mountains teemed with elk, deer, bear, beaver, and other fur-bearing animals. All the rivers were full of salmon and fish—so much that you could walk across their backs to get to the other side. The plants and trees were medicines or food for us.

We knew neither hunger nor disease until contact came in 1492, then our holocaust began and that of the plants, animals, and environment.¹³

Though Grinde and Johansen link ecocide and genocide, their focus is primarily on ecocide and less on how this connects to the problem of genocide more generally speaking. In *Redefining Genocide*, sociologist Damien Short provides some of this theoretical groundwork by taking a closer look at what he deems the “genocide-ecocide nexus.” Drawing on Lemkin’s definition of genocide, Short argues that ecocide has been used in the modern era to destroy Indigenous group life. For Short, ecocide is a *method* of genocide if “such destruction results in conditions of life that fundamentally threaten a social group’s cultural and/or physical existence.”¹⁴ According to Short, humans are “ecologically embedded beings.”¹⁵ As such, wrecking the ecosystems in which humans persist would ultimately lead to the destruction of human lives and cultures. Through various case studies he shows how settler colonists put profits and resource extraction ahead of the lives of Indigenous groups who share(d) the territory. Exploitation of land and resources for political and economic gain on the part of the state and businesses becomes a justification for ethnic cleansing, extermination, and forced removal of Indigenous groups.

¹³ Grinde, *Ecocide of Native America*, 250.

¹⁴ Short, *Redefining Genocide*, 6.

¹⁵ *Ibid.*, 9.

For example, in one case study Short looks at the effects of Canada's tar sands project on nearby First Nations communities. Short reports that in the name of energy security, the US and Canada have pursued opportunities to extract oil and other resources using risky and especially environmentally destructive technologies. The tar sands project in Alberta, Canada involves extracting bitumen, a viscous and dense form of petroleum, through techniques such as strip mining and fracking. The tar sands site, which is as large as the state of Florida, consists of mined pits, pools of oil, and rivers of water that have been redirected from all available nearby sources. The land is stripped of wildlife, trees, and top soil. Runoff from the mining procedures contaminates rivers on the level of major oil spills on a regular basis. These lands, which had traditionally belonged to the Cree, Metís, and Dené peoples, are now entirely uninhabitable.¹⁶ Though members of these First Nations still live in Alberta not far from the site of the tar sands, the contamination has been so bad that they fear to drink water, hunt, or plant on the land. Cancer rates have soared in their communities.¹⁷ The Canadian government has repeatedly denied that the tar sands are the cause, insisting that the project provides jobs for members of Indigenous communities, even though prior to beginning extraction, the Indigenous peoples were able to survive and carry on their traditional cultural practices through their relationship with the land and by way of subsistence hunting.

Short demonstrates that the oil-extraction process is genocidal insofar as it damages the physical health and wellbeing of the Indigenous peoples who live near this site while inhibiting their ability to carry on their traditional cultural practices by inducing fear and by taking over more and more of the land on which they lived. Indigenous scholars like Michelle Jacob of the Yakama Nation agree: "From an Indigenous perspective, the Tar Sands extraction project represents an assault on the earth; the fracking, drilling, extraction, and massive construction of

¹⁶ Short, *Redefining Genocide*.

¹⁷ *Ibid.*

pipelines across Turtle Island, from Alberta to the Gulf Coast, is creating a wasteland. Tribal treaty rights and tribal people's ability to protect their homeland become casualties of war in the settler colonial quest to extract resources for profit in the energy wars."¹⁸ Environmental devastation of this sort functions like a slow genocide, eroding the health of the people, their sovereignty as a nation, and the land, all of which are integral to their group identity. Because this form of genocide might occur over such a long period of time, it may not always be immediately recognizable as genocide, especially when compared to other genocides like the Holocaust, the Rwandan genocide, or the Bosnian genocide.

In this case study Short treats ecocide as a *method* of genocide, but not equivalent to genocide. In other words, environmental devastation is one way of destroying human groups that could potentially fall under two criteria for the UN definition of genocide: causing serious bodily or mental harm to members of the group and deliberately inflicting on the group conditions of life calculated to bring about its physical destruction. Through case studies Short convincingly demonstrates that ecocide carried out by dominant colonial cultures disproportionately affects Indigenous peoples in a genocidal way. His analysis, one of the few in genocide scholarship that makes an explicit connection between the effects of ecocide and its role in genocide, provides new avenues for thinking about the causes of genocide and how they might be prevented.

However, I argue that ecocide is more than just a method. It *is* genocide. As I will show, Short's analysis, like the UN definition of genocide, is anthropocentric, relying on human/animal and human/nature binaries. Though Short takes an important step toward bringing a new decolonial lens to the study of genocide, I argue that we need to go further by recognizing that metaphysical assumptions that exist for Westerners like human exceptionalism don't necessarily hold for Indigenous peoples. Ecocide isn't just a method, which suggests that destroying the

¹⁸ Jacob, *Indian Pilgrims*, 64.

natural world is a tool for destroying a group of human people, but an act of genocide because it literally eliminates, disfigures, and maims the other-than-human members of Indigenous communities. Furthermore, by treating ecocide as a method rather than genocide itself, the anthropocentric bias within Genocide Studies is reinforced and repeated. For both of these reasons, I draw on Native American philosophies of nonhuman personhood to argue in the next sections that ecocide and genocide should be thought of as the same thing and that one way of making the legal definition of genocide more just is to give ecocide a place within it.

II. Non-Human Personhood and the Genocide-Ecocide Nexus

Though Short connects ecocide to the practice of genocide, there are two aspects of his analysis that need further development. First, Short deems ecocide problematic because of its devastating effect on human life but not necessarily because of the harm it does to nonhuman beings and the planet. In this respect, Short relies on and maintains a human/nature dualism that understands ecocide to be more morally problematic because of its effects on humans over and above its effects on other beings. For example, in a discussion of fracking, Short states,

Indeed, in numerous studies from both countries [the US and Australia], local communities most affected by developments often cite considerable negative impacts on the environment and human health, including groundwater contamination, air pollution, radioactive and toxic waste, water usage, earthquakes, methane migration, and the industrialization of rural landscapes, the cumulative effect of which has led to calls for the United Nations Human Rights Council (HRC) to condemn fracking as a threat to basic human rights, particularly the rights to water and health. Fracking development is fast becoming a human rights issue.¹⁹

Here Short frames ecocide as a human rights problem—ecocide is bad because of how it infringes upon human freedom. Nowhere does he specifically examine the implications of fracking and other types of resource exploitation practices on the lives of nonhuman beings, even though all of these acts are done at their expense. Implied in this reading of ecocide and genocide

¹⁹ Short, *Redefining Genocide*, 59.

is the notion that nature is passive, waiting to be exploited or preserved at the whims of whatever various groups of humans seem to value it at the time. In this outlook, the land, water, air, plants, and nonhuman animals exist for the sake of human use, and their depletion, overuse, and extinction, might be tragic on its own but is only immoral insofar as it puts human life in jeopardy. This approach to ecocide leads into the second problem, which has to do with the way that Short understands the impact of ecocide on Indigenous peoples.

Short's analysis of the impact of ecocide on Indigenous peoples follows from the logic that nature is a passive recipient of human action. For example, in his assessment of the tar sands extraction, he writes, "The effects on downstream indigenous groups are truly staggering. Their ability to hunt, trap and fish has been severely curtailed and, where it's possible, people are often too fearful of toxins to drink water and eat fish from waterways polluted by the 'externalities' of tar sand production."²⁰ Elsewhere he writes,

Indigenous peoples living close to and in the midst of tar and sand deposits have been expressing concern over the lethal impacts that these industrial events have had on their communities for years, with elders citing caustic changes to water quality, meat quality, and to the availability of fish and game. Concern is growing recently as health professionals and community members witness more and more friends and family fall ill with a variety of serious illnesses, and local fish populations are inflicted with ever more severe deformities.²¹

In both quotes, Short notes that tar sands extraction has a detrimental effect on nonhuman creatures, but the language he uses indicates that he is thinking about this harm in terms of its consequences for humans. The extraction process doesn't harm deer, elk, and other wildlife, but affects the freedom of humans to hunt game and acquire meat. His mention of fish is connected to the human fear of eating them. The changes to water quality, the explosion of illnesses, and the increasing precariousness of life are only understood in terms of human suffering.

²⁰ Ibid., 11.

²¹ Ibid., 174.

To be clear, these issues pose serious problems for the wellbeing of the individual members of Indigenous communities and for the perpetuation of their cultures, which rely on their ability to live according to traditional practices that are rooted in their connection with particular areas of land and the beings that live there. Short demonstrates that he recognizes the importance of this connection, but even this is described in anthropocentric terms. He states,

As Native author and activist Andrea Smith noted (Smith 2005: 121), ‘when Native peoples fight for cultural/spiritual preservation, they are ultimately fighting for the landbase which grounds their spirituality and culture’. That is, the land or ‘specific geographical setting’ (Churchill 2005: 168) with which many indigenous nations/communities identify themselves fundamentally embodies their ‘historical narrative’ (Abed 2006: 362) and who they are as peoples; with both their ‘practices, rituals, and traditions’ (ibid.: 327), *and* their political and socio-economic cohesion as a group, inextricably bound to the surrounding landscape. Alienation from that landscape, therefore inevitably results in the dissolution of an indigenous people’s ‘network of practical social relations’ (Powell 2007: 538), for they will no longer be able to carry out, develop and preserve their ‘cultural heritage and traditions,’ or ‘pass these traditions on to subsequent generations - thereby rendering them ‘socially dead.’²²

In this passage, Short continues to think in terms of a human/nature dualism. According to Short, Indigenous peoples have strong connections to the land on which they live and the land is a site at which “practical social relations” take place, but the land itself isn’t recognized as a participating member in these relations. In fact, for Short, it isn’t so much that Indigenous peoples become alienated from land, but from “landscape,” which is defined as a particular place or territory in which activity (presumably human) happens.²³ But this isn’t the predominant way many Native peoples identify with land. In fact, if we take into account the metaphysical principles that ground many of these cultures, we can see that ecocide is a far more egregious crime for these communities than even Short recognizes. To demonstrate this, I draw on two

²² Ibid., 160.

²³ Merriam Webster, “Landscape.”

metaphysical “principles” of indigenous philosophies.²⁴ everything is related, and the universe is alive and must be approached in a personal manner.

According to Muscogee scholar Daniel Wildcat, “Stated simply, *indigenous* means ‘to be of a place.’”²⁵ However, this doesn’t just refer to the fact that individuals are born in particular places. To be of a place is an active concept that denotes an ongoing relationship that shapes and reshapes the identity of the place and the individuals that inhabit it. As Oglala Lakota scholar Vine Deloria, Jr. elaborates, in an Indigenous worldview “power and place are dominant concepts—power being the living energy that inhabits and/or composes the universe, and place being the relationship of things to each other.”²⁶ Because relationships are not abstract, but are particular from many Native American perspectives, the notion of place is also deeply connected to a physical location—the land. In contrast to Short’s description of the relationship between Native peoples and the land, the land is an active, lively participant in the making and sustaining of relationships. As Choctaw scholar Laurelyn Whitt explains, “The land and living entities which make it up are not apart from, but a part, of the people. Nor is the ‘the environment’ something outside of, or surrounding a people. The relation of belonging is ontologically basic. With inherent possession, agency is sometimes held to be reciprocal—a people belongs to/owns the land, and the land belongs to/owns a people.”²⁷ In other words, in this cosmology the land is a *person*, not a thing or a resource to be consumed. Haudenosaunee and Anishinaabe scholar Vanessa Watts reinforces this notion when she states that not only is the land in relation to Indigenous peoples, it is literally family: “[I]n a majority of Indigenous societies, [people] conceive[s] that we (humans) are made from the land; our flesh is literally an extension of the

²⁴ There are hundreds of Indigenous nations in what is known today as the US and Canada, and they each have their own philosophies. However, there are certain consistent themes that arise across many of these cultures. I try to incorporate a variety of voices to demonstrate how these principles overlap across Native cultures.

²⁵ Deloria, *Power and Place*, 31.

²⁶ *Ibid.*, 23.

²⁷ Whitt, *Science, Colonialism*, 43.

soil.”²⁸ Though Short recognizes that land isn’t generic and that removing Indigenous peoples from their lands is harmful because they have specific ties to those particular lands, insofar as he is still working from a Western notion of personhood, he misses an important point: that “power and place produce personality.”²⁹ According to Deloria, what this is means is that “the universe is alive, but it also contains within it the very important suggestion that the universe is personal and, therefore, must be approached in a personal manner.”³⁰ If the land is a living being that possesses power, particularity, personality, and agency, then acts like strip mining, tar sands extraction, fracking, deforestation, and other activities that disfigure the land are not just ecocidal, but genocidal. Destruction of the land isn’t just a means of destroying human group life; the land itself is a living member of the community.

The same argument can be made in regards to nonhuman animals and other beings. According to Shawnee philosopher Thomas Norton-Smith, Native Americans have an expansive notion of personhood, which reflect the insights that “(1) personhood doesn’t constitute the essence of a human being; (2) an entity is a person by virtue of its membership and participation in a network of social and moral relationships and practices with other persons; and (3) moral agency is at the core of personhood.”³¹ This view of personhood contrasts sharply with many theories of personhood in the Western worldview, which almost exclusively attribute personhood to humans due to various characteristics that are supposedly unique to human life—rationality, agency, moral reasoning, and free will.³² Because the Western notion of personhood relies on human uniqueness, it assumes a hierarchy between humans, animals, and other beings. However, this hierarchy doesn’t exist for many Native American communities. Chickasaw writer Linda

²⁸ Watts, “Indigenous Place-Thought,” 27.

²⁹ Deloria, *Power and Place*, 23.

³⁰ Ibid.

³¹ Norton-Smith, *Dance of Person and Place*, 86.

³² In some Western nations, like the US, personhood has, strangely, also been attributed to corporations.

Hogan, explains, “For us, the animals are understood to be our equals. They are still our teachers. They are our helpers and healers. They have been our guardians and we have been theirs.”³³

Being members of different species isn’t a barrier because underlying this approach to nonhuman personhood is the ontological principle that everything is related. As Deloria explains, “Everything in the natural world has relationships with every other thing and the total set of relationships makes up the natural world as we experience it.”³⁴ Put differently, no being exists independently; all things are connected in lively relationships. In contrast to the view that nonhuman nature is dead, inert, or passive, in Native American worlds, nonhuman animals like deer, bears, and salmon, along with bodies of water, features of the land like canyons or buttes, and sacred objects like drums and pipes, all possess a kind of power/force/spirit. Algonkin tribes call it *manitou*, but other tribes use the terms *nilchi’i* (Dine), *usen* (Apache), *wakan* (Lakota), and *orenda* (Wendat). This quality imbues all beings with their own animacy, power, and purposiveness, which calls for recognition and respect. Because all beings share these attributes and are in relation to one another, there is no passive or isolated being-in-the-world. Everything is a person through its relationships and through the obligations it owes and receives.

This notion of personhood has real effects, guiding the form that relationships between humans and other animals take. According to Native American philosophies, humans and other animals are kin. Black Elk of the Oglala Lakota, for example, describes how his life story is “of all life that is holy and is good to tell, and of us two-leggeds sharing in it with the four-leggeds and the wings of the air and all green things; for these are children of one mother and their father is one spirit.”³⁵ In other words, other-than-human animals and plants are siblings to humans. In many Western societies it’s accepted that humans have moral obligations first and foremost to

³³ Hogan, “First People.” Pg.#?

³⁴ Deloria, *Spirit and Reason*, 34.

³⁵ Quoted in Norton-Smith, *Dance of Person and Place*, 90.

their immediate kin and family. By understanding relationships with nonhuman persons as familial, Indigenous peoples more easily fold those beings into their realm of moral obligation. What binds people together isn't species membership, but a shared experience, knowledge, and participation in life that is rooted in a particular place.

Other forms these relationships take are more political. For instance, scholars like Nuu-cha-nuulth philosopher E. Richard Atleo and Anishinaabe writer Leanne Simpson say that nonhuman animals and humans are in treaty relationships: "According to Nishnaabeg traditions, our relationship with the moose nation, the deer nation and the caribou nation is a treaty relationship like any other, and all the parties involved have both rights and responsibilities in terms of maintaining the agreement."³⁶ All three authors describe particular protocols that must be followed when dealing with nonhuman animal nations that demonstrate the proper amount of respect for those beings whose activities and lives sustain Native communities.³⁷ Accepting either claim about human/nonhuman relationships leads to a radical rethinking of who and what is affected by ecocide/genocide. The UN definition of genocide states that genocide involves killing a group in whole or in part. If we accept that nonhuman beings like land, salmon, and maize can be kin to humans, then killing other-than-human persons is a direct attack on a given group, and their destruction constitutes destroying part of a group. Likewise, if we accept that there is a political relationship between humans and other-than-human persons, this also amounts to genocide. One of the groups named in the UN definition of genocide is the national group. If groups of nonhuman animals consist of nations, their destruction is genocide. And that genocide, while it may lead to the genocide of the humans who are in relation with them, can also be

³⁶ Simpson, *Dancing*, 111.

³⁷ Atleo, for example, begins *Tsawalk* by recounting a whale hunt carried out by his grandfather where the protocols were performed incorrectly. The disruption almost caused the hunt to fail, but thanks to the intervention of Wren, who recognized that the proper ceremonies were disrupted accidentally, the hunt was set back on track. See page x.

recognized as independent from the genocide experienced by humans. To illustrate this, consider the mass slaughter of buffalo that was carried out during westward expansion in the US.

III. Buffalo Genocide

Before 1800, 30 million to 60 million buffalo lived on the plains from Northern Saskatchewan to New Mexico and as far east as the Appalachian Mountains.³⁸ Their presence shaped the environment, making them a keystone species.³⁹ For the plains tribes, the buffalo were a keystone of their cultures and social fabric. Not only did the buffalo create a particular habitat suited to a diverse ecosystem on which Indigenous peoples could survive, their bodies provided a source food, clothing, and other tools. In addition to this, the buffalo were also central to the spiritual identity of the community. According to Black Elk, “[I]t was the White Buffalo Cow Woman who in the beginning brought to us our most sacred pipe, and from that time, we have been related with the Four-Leggeds and all that moves. Tatanka, the buffalo, is the closest four-legged relative that we have, and they live as a people, as we do.”⁴⁰

By the mid-1800s, the buffalo populations were declining. Settlers brought cattle onto the land, displacing the buffalo. Tribes from the east, forced to vacate their traditional homelands, were removed onto plains land, leading to greater demand for the buffalo as a resource.⁴¹ This was accompanied by sudden growth in the buffalo hide robe market. In 1835, the American Fur Co. alone had an order for 36,000 buffalo robes. By 1857, the number of hides delivered to retailers was up to 70,400 hides a year.⁴² Between 1872 and 1873 over 825,000 hides were transported by rail from the plains to the east.⁴³ The expansion of the railroad and cattle ranching into the west occurred as part of the industrialization of American agriculture and was bolstered

³⁸ Fitzgerald, *Bison*, 7.

³⁹ Hubbard, “Buffalo Genocide,” 292.

⁴⁰ Quoted in LaDuke, *All Our Relations*, 143.

⁴¹ Hämäläinen, “The First Phase.”

⁴² White, “Hunting Buffalo,” 44.

⁴³ *Ibid.*, 49.

by the Homestead Act of 1862, which granted settlers 160 acres of land each. The destruction of the buffalo herds made more room for ranchers and opened up a new market of beef buyers—the Native Americans who were starving following the depletion of the buffalo herds.⁴⁴

Historian Daniel Smits argues that the military played a significant role in the extermination of the bison.⁴⁵ General William T. Sherman, for example, held that getting rid of the buffalo was necessary for the development of the rail system, and frequently sponsored civilian hunting expeditions as one solution to the problem. Likewise, in his memoirs, Lieutenant John M. Schofield, commander of the department of the Missouri from 1869-1870, wrote, “With my cavalry and carbined artillery camped in front, I wanted no other occupation in life than to ward off the savage and kill off his food until there should no longer be an Indian frontier in our beautiful country.”⁴⁶ Slaughtering the buffalo had a two-fold benefit. It cleared land for settlers and took care of the so-called “Indian problem.” An article in *Navy Journal* from June 26, 1869 reported that Sherman stated “that the quickest way to compel the Indians to settle down to civilized life was to send ten regiments of soldiers to the plains, with orders to shoot buffaloes until they became too scarce to support the redskins.”⁴⁷ For the army, the buffalo and Native Americans were so inextricably linked that soldiers would occasionally pretend that when they were killing buffalo they were actually killing Indians.⁴⁸ The killing of buffalo was both a symbolic act, while having real life-threatening consequences for Indigenous peoples.

The army worked in tandem with hunters as a method of eradicating Native Americans, often sponsoring hunting expeditions and inviting hunters to accompany them.⁴⁹ For the hunters, killing the buffalo provided sport and profit. With the development of the railroads, amateur

⁴⁴ LaDuke, *All Our Relations*, 142.

⁴⁵ Smits, “The Frontier Army,” 314.

⁴⁶ Quoted in Smits, “The Frontier Army,” 316.

⁴⁷ Quoted in Smits, “The Frontier Army,” 317.

⁴⁸ *Ibid.*, 318.

⁴⁹ Dary, *Buffalo Book*.

hunters took excursions to the plains to shoot buffalo from the train windows as they passed herds.⁵⁰ Their impact on the herds was relatively benign compared to the market hunters, some of whom claimed they could kill 40 to 50 buffalo in a day.

[The hunters] often worked in pairs. They would hide in a foxhole and wait for a herd to pass. Killing the herd leader was the most effective way to start. If you could kill the boss, the herd would dissolve into grand confusion, because it would take some time for a new leader to emerge. The next best plan was to kill an animal and wait until others in the herd caught the scent of blood. With the aid of a needle gun and telescopic sight, it was easy to hit one animal. After it had fallen, all those near enough to smell the blood would circle around the fallen one, sniffing the air and pawing the ground. These stationary targets were easy to pick off, one by one.⁵¹

According to Tasha Hubbard of the Cree, Nakota, Anishinaabe and Metís, the hunters were not simply taking advantage of the fear and chaos incited by the buffalo's sense experience, but preying on their complex social and inner lives as well. She states, "Buffalo feel grief for their dead, according to both my traditional teachers and the longtime buffalo warden at the Grasslands National Park, Wes Olson. He has observed [that]...rather than abandon the body, buffalo will stay with the deceased, attempt to revive their family member, and make audible sounds of grief."⁵² Not only do buffalo feel grief for their dead, but the killing of adults and kidnapping of young buffalo broke down the bison's own social relations and led to mental illness. Hubbard recounts the experiences of John Cook, a buffalo hunter:

[T]he hunters' [had a] practice of surrounding available waterways, forcing the buffalo to approach anyway, and gunning them down. Those buffalo who managed to find a water source that was free from hunters 'would rush and crowd in pell-mell, crowding, jamming, and trampling down both the weak and the strong, to quench a burning thirst. Many of them were rendered insane from their intolerable, unbearable thirst' (Cook 1938: 198). Instead of living cooperatively in their herd society, the buffalo were tortured prior to their death at the hands of the hide hunters.

⁵⁰ White, "Hunting Buffalo," 46,

⁵¹ *Ibid.*, 49.

⁵² Hubbard, "Buffalo Genocide," 300.

Hubbard contends that ignoring the personhood of the buffalo reinforces the anthropocentric bias in genocide scholarship, which leads to a failure to account for the types of relationships between humans and other-than-human beings that exist in many Indigenous cultures.⁵³ The death of the buffalo had a debilitating effect on the Indigenous communities who regarded them as kin, allies, and protectors. According to Winona LaDuke of the Anishinaabe, “Many Native people view the historic buffalo slaughter as the time when the buffalo relatives, the older brothers, stood up and took the killing intended for their younger brothers, the Native peoples.”⁵⁴

As we can see, given the principle of nonhuman personhood, ecocide isn't simply a *method* of genocide. It *is* genocide. According to Short, ecocide is genocidal when it harms human groups. But, from an Indigenous perspective, there is no distinction. In their book *Indian from the Inside*, Ojibwa scholar Dennis H. McPherson and philosopher Douglas J. Rabb sum up this point: “There is, we suggest, a moral obligation to protect the habitat of the moose, the beaver, the muskrat, and the lynx; the habitat of geese, ducks, grouse and hare, not just because members of the Band wish to continue hunting and trapping, but because these other-than-human persons are also extended members of the Ojibwa society.” Ideally, the definition of genocide should be rewritten to incorporate nonhuman groups as groups that can be targeted for genocide. But given that ratification of such a change is highly unlikely given the current state of the world, at minimum, ecocide needs to be recognized as an act of genocide. This would not only help capture some of the cultural component lost in the transition from Lemkin's definition to the UN's, but it would also mitigate some of the anthropocentric bias and provide Indigenous peoples and other groups with more leverage for contesting climate change and other devastating acts against nonhuman nature.

⁵³ Ibid., 295.

⁵⁴ LaDuke, *All Our Relations*, 154.

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