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FIRST BEINGS: RELATIONSHIPS WITH NONHUMAN ANIMALS IN
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DEPARTMENT OF ENGLISH

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Abstract

My dissertation formulates a theory of first beings, or a way to more aptly understand human relationships with animals in Native American Literatures. It starts with a brief, selected history of the scholarship on animal studies. Animal studies, defined succinctly, is the study of our relationships with nonhuman animals. I situate Linda Hogan's "First People" and John Mohawk's "Animal Nations and their Right to Survive" as two exemplary texts which contribute to the field of animal studies by examining Native American oral traditions. I analyze two novels—*Brothers Three* and *The Surrounded*—using the theoretical lens of first beings. In doing so, I argue these two Native novels from the 1930s show how the process of colonization in North America affected relationships between Indigenous human and nonhuman animals. It did so by promoting increasingly confined methods of domestication over hunting and free-range practices. Noteworthy passages in each novel depict protagonists who question the degree of human difference from nonhuman animals and suggest similarities based on a shared capacity for suffering, specifically suffering caused by this growing degree of confinement. Domestication as such is figuratively meaningful, as these novels suggest, in representing Native peoples' relationships with dominant cultures—the colonizer domesticating the colonized.

I then move on to theorize how we can recognize first beings possessing sovereignty, or political agency. I examine the way other animals are included and excluded in the philosophies of two current Native political theorists: Taiaiake Alfred and Dale Turner. I then use John Mohawk's "Animal Nations and their Right to Survive" as part of a framework to analyze how the traditional Cherokee story "Origin

of Disease and Medicine" can be read as recognizing the political agency of nonhuman animals. I follow by examining how a recent political document of the Cherokee Nation of Oklahoma continues to recognize nonhuman sovereignty. Finally, I conclude that we should be aware of how other animals possess sovereignty by means of our recognition of their suffering, specifically the agency within political discourses to avoid that suffering.

Introduction: Ji-s-du (Rabbit)

My maternal great-great grandfather, Louis Crutchfield, was raised on the family's allotment in Inola, Oklahoma, a small town about an hour northwest of Tahlequah, the capital of the Cherokee Nation of Oklahoma. My mother would tell stories about Grandpa Lou (that is what she called him) while I was growing up. One of the stories I remember most vividly was about hunting rabbits. Grandpa Lou had described to my mother a time when hunters came to the area from a large city (most likely Tulsa). These hunters appeared to have spared little expense in purchasing their hunting gear, in brandishing expensive guns and wearing nice, brand-new hunting clothes. Their apparel and choice of firearms were not the only things that distinguished them from those who hunted locally, however. Instead of killing the rabbits for food or their hides, these hunters killed the rabbits solely for sport, returning to the city having left the bodies of hundreds of rabbits hanging in the trees. My mother said that this incident seemed to bother my grandfather deeply.

I can only guess at the reason for Grandpa Lou's unease at the actions of those hunters from the city who killed for mere sport. He died before I was born, and I only know him through stories. I can imagine, though, that one reason this type of hunting for sport may have bothered him was that he had lived through the Great Depression and wastefulness, after having experienced such poverty, would be an unforgivable sin in Grandpa Lou's eyes. Another likely reason the event was so disturbing was because

what the hunters had done—killing animals in such great numbers and with such disrespect—was so dramatically opposed to Cherokee values.¹

The story also continued to disturb me. To gain more insight into how my great-great grandfather understood this event, I asked my maternal grandmother (Lou's granddaughter) about the incident. She said that she had never even heard the story before. It is possible, therefore, that the story Grandpa Lou told may or may not have actually happened, although it is plausible, given the popularity of hunting for sport in Oklahoma. Perhaps Grandpa Lou recounted the story to my mother as a way to pass down a good way to live our lives in relation to other living beings. Whether the incident happened or not, the idea that it is abhorrent to kill a living being or cause an animal to suffer for no good reason is a value that has been passed down in my family through similar tales. Stories like this one, that teach respect for other living beings, are common among many tribes, including Cherokee.

Grandpa Lou's story has been at the forefront of my mind throughout the entirety of this project. My intellectual pursuit for the past seven or so years has been to study the many ways we might understand human relationships with nonhuman animals. One of the most intriguing possibilities is that other animals can help us understand these relationships through a nonhuman agency that is only now being recognized in the interdisciplinary field of animal studies. As I explain in Chapter One, the protagonists of Native American Renaissance literature are depicted by Peter Beidler and LaVonne Ruoff as needing to understand other animals in order to develop an understanding of themselves as human beings. As both a Native American and

¹ I develop these themes of disrespect, hunting, and Cherokee values in developed in

theorist of Native literature, I have, in effect, been doing the same thing as those protagonists. In this study, I hope to attune myself to the “world of animals” insofar as my analysis takes their possible agency and interests into account (Beidler 133). I also hope to begin to understand the significance of other animals as depicted in Native literatures in ways that do not end with human interests.

To begin my inquiry, I start in Chapter One by examining criticism of how Indigenous literature of the Native American Literary Renaissance relates to other species. I then give an overview of the field of animal studies and examples of the few instances in which the field references Native American cultures. I end by examining a persistent conflict between analytic and continental philosophical approaches to animal studies. I posit the concept of first beings as a way to move forward with particular analyses of our relationships with nonhuman animals in American Indian cultures.

I then look back in Chapter Two to pre-Native American Literary Renaissance literature to examine how relationships with animals and political relationships intertwine. I analyze two novels—*Brothers Three* and *The Surrounded*—from the standpoint of first beings. In doing so, I argue that the two portray a concern over the increasing degree of domestication between humans and other animals. As this concern with domestication increases within the novels, each work is focused less on our differences from nonhuman animals and more on our shared capacity for suffering, specifically suffering caused by a growing degree of confinement. Domestication is not only appropriate to literally describe the intensification of the already-intermeshed relationships between Native Americans and nonhuman animals, but also stands in

Chapter Three.

figuratively for Native peoples' relationships with dominant culture—the colonizer domesticating the colonized. *Brothers Three* (1935), by John Milton Oskison, is a frontier romance about three generations of Cherokees on a cattle ranch in which most of the interactions with nonhuman animals are depicted, unsurprisingly, in terms of domesticating horses for work animals or cattle for use as food. D'Arcy McNickle's 1936 novel *The Surrounded* depicts in very stark terms, as I will show, the interconnected problems of assimilation and nonhuman animal domestication through the colonial strategy of confinement.

I extend the political critique of confinement in Chapter Three by theorizing how we can recognize first beings possessing sovereignty, or formulations of political agency. In *We Talk, You Listen*, Sioux critic Vine Deloria defines sovereignty first and foremost as a process. Deloria insightfully writes that "implicit in the sufferings of each group is the acknowledgement of the sovereignty of the group" (117). If we take Deloria's assertion in the direction of animal ethics, our recognition of animals' ability to suffer leads to an ethical obligation to recognize their sovereignty. Our obligation to nonhuman animals is also one of the constraints on our own sovereignty. In exploring sovereignty, or political agency, in relation to animals, I start with an extended discussion of John Mohawk's "Animal Nations and their Right to Survive." I then move to examine the way first beings are included and excluded in the philosophies of two current Native political theorists: Taiaiake Alfred and Dale Turner. I use this framework to analyze how the traditional Cherokee story "Origin of Disease and Medicine" can be read as recognizing the political agency of nonhuman animals. Finally, I conclude that we should be aware of how first beings possess sovereignty in our recognition of their

suffering, specifically the agency within political discourses to avoid that suffering.

Chapter One: Toward a Definition of First Beings

Narratives concerning the relationships between Indigenous humans and other species are ubiquitous in American Indian literatures. These narratives can be found in everything from oral literatures to Indigenous science fiction.² Cherokee writer William Sanders provides an excellent example of the latter in his short story “At Ten Wolf Lake.” This story is set in a world where mythical creatures, such as Sasquatch, abound. While I use the term *Sasquatch* to describe these beings, it is not quite accurate with regard to the story. Sasquatch refers to a similar but separate group of beings in Sanders’s speculative world. The term *Hominid American* is too politically correct and awkward, according to the story’s protagonist. Instead, most beings of this type prefer “Homin or Hom” (Sanders 414). In an episode of the story, we meet a Hom named Charley who belongs to a militant Hom activist group. Sitting beside him in a truck is an Indian man who belongs to a politically analogous human group. A bumper sticker on Charley’s truck reads “FIRST BEINGS POWER” with the image of a clenched hairy fist beside it (424). The appearance of the provocative sticker in this short story signifies the possibility that agency (in this case, political agency) is not limited to the human species.³

Although seemingly a novel notion, many Native philosophies do not define humans as categorically different from or superior to nonhuman animals. The concepts of categorical difference and exceptional humanity have, however, been integral to

² For an insightful introduction to this genre see Grace Dillon. Her section on “Indigenous Science and Sustainability” is particularly relevant.

³ For a good introductory exploration of nonhuman agency see Sarah E. McFarland and Ryan Hediger.

many of the dominant narratives that inform colonial ideologies. Historically, these invading ideologies have ignored the political agency of other species. American Indian literatures are often treated briefly in scholarship regarding relationships with other animals, but they are ideal for animal studies scholarship, which can in turn benefit Native studies by helping us investigate our relationships with other animals.

In this study, I propose an ontological shift, what I am calling first beings, to signify the lack of a categorical difference between humans and nonhuman animals in the dominant narratives of many Native cultures. I propose the use of this ontological narrative to more accurately describe the ways in which Indigenous traditions and literatures often define indigeneity as extending beyond the human species. A narrative of first beings provides more accuracy in terms of traditional and contemporary literatures, but also serves as a strategic way to struggle against political narratives that serve the ends of colonial oppression. As I will argue throughout this study, Native American peoples and nonhuman animals face similar methods of oppression, specifically, tactics of oppression by means of confinement. This takes the form of literal confinement, such as reservations, that are exponentially smaller than original tribal homelands, and fenced-in herds of domesticated animals. Confinement is driven by the political tactics of removal and allotment. These tactics also take the form of figurative confinement, such as the limitation to an anthropocentric ontological narrative which draws a solid line between humans and everything else. This line limits the many ways in which Native peoples see ourselves as connected to the nonhuman world. My proposal to use the language of first beings is in critique of the dominant narrative of human exceptionalism that reduces the political agency of not only

nonhumans, but Indigenous human cultures, too.

The narrative of first beings is more productively articulated as a standpoint that affords more agency via ontological status to nonhuman animals and therefore more agency to Indigenous humans who have narrated the importance of our relationships with—including our obligations to—other animals since time immemorial. Standpoint theory, as Josephine Donovan explains, is a useful way of theorizing our obligations to nonhuman animals. She writes that standpoint theory originated with the work of Marxist theorist Georg Lukacs, who conceptualized the working-class subject as having a unique epistemology in relation to capitalism and commodification. Donovan further explains how feminist theorists have borrowed from Lukacs to develop feminist standpoint theories. Donovan develops what she terms “animal standpoint” to complement feminist care theory which, when applied to nonhuman animals, requires “listening to animals, paying emotional attention, taking seriously—*caring about*—what they are telling us” (emphasis in original 305). As will be evident in my readings of Native novels from the mid 1930s, emotional investment by the protagonists in terms of emotional capacity for nonhuman animals is best read from a standpoint similar to the one that Donovan articulates. Such an approach, as Donovan explains, is a more promising mode of analysis than logocentric calculations, the discourse of rights, or the quantification of utilitarianism.

Donovan concedes the main problem with theorizing a standpoint for nonhuman animals is determining how their “viewpoint is to be articulated” (320). None of our speculation about nonhuman animals can escape being human-centered. Even with this caveat, standpoint theory leaves space for how the interests of nonhuman animals are

interpreted by various cultures. A culturally-understood, inter-tribal conception of the intellect, emotional capacity, and social codes of nonhuman animals is what I am gesturing towards when I refer to the standpoint of first beings. Another integral consideration of this incipient concept is how these particular Indigenous texts recognize the interests of other species as co-constituent with our own interests as Indigenous peoples. In considering how indigeneity exists beyond humanity, we should realize that we can only understand other species through an understanding of ourselves as humans and only understand ourselves as humans in relation to other species.

Here I am using the term *other animals* synonymously with what many animal studies scholars label *nonhuman animals*. Richard D. Ryder finds the term *nonhuman* problematic because it assumes the human as the normal example of a species (2). However, the term *nonhuman* is helpful in signaling *animal* as a problematic signifier while simultaneously implying the need for more precise language (such as distinguishing by species). I will use the terms *other*, *nonhuman*, and *first beings* somewhat interchangeably when referring to those who are commonly labeled as *animals*. The term *first beings*, however, signals the possibility of shared indigeneity between human and nonhuman animals. First beings signals a lack of the categorical difference in the ontological status of humans and other animals in many Native American narratives.

While focused on terminology, it is important here also to define what is meant by the term *Indigenous*. I am using it primarily as it relates to a strategic understanding of Native peoples vis-à-vis political oppression. It may seem ironic that the concept of indigeneity has not always been around. Ronald Niezen explains that the term has

“proliferated since the 1980’s” (3). He writes that “reinvigorated traditional values and world views are identified as Indigenous, as having always existed” (12). Niezen goes on to explain that “Indigenous history is ‘invented’ in different ways than are the narratives of large ethnic groups or nation-states” (10). He continues by explaining that the term *Indigenous* has been defined by situations external to Native cultures. Indigeneity became the focus of Native leaders who recognized the need for a framework for creating and maintaining international political alliances with other Native nations who were struggling with colonial occupation. By showing how the concept of indigeneity is socially constructed while providing its history, Niezen does not devalue its importance. Instead, he acknowledges the need for tribal nations to adopt a strategic language for gaining political agency in organizations such as the United Nations. This strategic construction is used to combat the continuing and destructive results of colonial oppression.

The term *Indigenous* is useful in not only gaining political agency for Native peoples, but for the many nonhuman animals with whom Native cultures have ancient relationships. In *Red on Red*, Craig Womack (Creek/Cherokee) explains that our cultures are carried through narratives that articulate our own agency. He asserts that “we are not mere victims, but active agents in history, innovators of new ways, of Indian ways, of thinking and being and speaking and authoring in this world created by colonial contact” (6). It is as “active agents” that we author our concepts of indigeneity and sovereignty, and it is also as active agents that we recognize the indigeneity and sovereignty of other people and other species. In exploring the specifics of how we, as Indigenous peoples, interact with nonhuman animals, it is necessary to revise static

notions of indigeneity and sovereignty. Much later in his influential book, Womack asks, among other questions, if Native literature should "be a means of exploring more radical approaches to sovereignty?" He then answers himself with "a resounding 'yes'." (149). I would add that as active agents we also should recognize the so-called radical approaches to indigeneity that include our relationships with nonhuman animals.

Before exploring further the line of inquiry that I refer to as the standpoint of first beings—how Indigenous peoples narrate our relationships with other animals—it would be helpful to situate it in the broader field of animal studies. Animal studies as a field of inquiry is about our complex relationships with nonhuman animals. In writing about our relationships with other animals, Peter Singer utilizes the term *speciesism*—which Ryder coined via pamphlets at Oxford in 1970—for his book *Animal Liberation* (1975). Singer defines speciesism as “a prejudice or attitude of bias in favor of the interests of members of one’s own species and against those of members of other species” (6). He explains that what is needed to combat speciesist systems of thought is for us to give “equal consideration” to the interests of other animals (2). In his inclusion of beings outside humanity, Singer follows Jeremy Bentham’s assertion that when thinking about the differences between humans and other species, “[t]he question is not, Can they reason? Nor, Can they talk? but, Can they suffer?” (311). Redirecting the comparison between humans and nonhumans to the question of suffering forces the discourse into accounting for the ethical logics, or lack thereof, of our complex relationships with other animals.⁴ It recognizes nonhuman animals as beings whose interests deserve “equal consideration” in any rational and systematically equitable

⁴ There are other ways than a focus on suffering to include nonhuman animals in ethical

theory of ethics. Following Bentham, Singer persuasively argues that avoiding suffering is clearly an interest of all sentient animals. A principle of equal consideration brings academic and philosophical traditions more closely in line with Indigenous ways of thinking about our relationships with other animals.⁵

In thinking about how nonhuman animals are portrayed in Native literatures, I want to avoid focusing solely on the differences between Indian stories and non-Native narratives about nonhuman animals. Focusing merely on differences risks the possibility of homogenizing many distinct tribal cultures. We also run the risk of romanticizing Indigenous relationships with other animals.⁶ Worse still, it might lead to unwittingly reify readings that can be seen as subscribing to notions of savagery (the Indian as animalistic). Therefore, it is important to note that the ethical and ontological inclusion of other animals is not absent before the mid-1970s, nor is it restricted to tribal cultures. As Norm Phelps shows, as early as 496 B.C., Pythagoras and his followers argued against killing nonhuman animals on the basis that they had souls. As Phelps further explains, the practice of Jainism in India—advocating nonviolence to all living beings—may have existed as far back as the ninth century B.C. (19). However, these older examples of narratives that give “equal consideration” to nonhuman animals have been unsuccessfully competing with the dominant narratives of their difference and inferiority. Dominant speciesist narratives were firmly entrenched in philosophical and scientific discourses by the time that Charles Darwin provocatively wrote that “the

considerations. For instance, see Martha Nussbaum on an ethic of flourishing.

⁵ Hastings Shade (Cherokee) explains that “the dog chose the Indian,” and so we should treat him or her “with respect” (Teuton et al. 139).

⁶ One of the most pervasive examples of this romantic relationship is between Disney’s Pocahontas and Meeko the raccoon.

mental faculties of man and the lower animals do not differ in kind, although immensely in degree” (149). Even before Darwin, the categorical difference of humans was not a fixed notion for all in the scientific community. In *The Open: Man and Animal*, Giorgio Agamben describes how as early as the eighteenth century, Carolus Linnaeus, the father of modern taxonomies, was reluctant to list criteria delineating *Homo sapiens* from other closely related species. Linnaeus wrote that he “hardly knows of a distinguishing mark that separates man from the apes” (as cited in Agamben 24). In place of a categorical distinction for all of humanity, Linnaeus writes “nosce te ipsum,” or “know thyself.” Agamben derives from Linnaeus that the only way humans are categorically different from other sentient creatures is that we narrate ourselves as such, an idea aligned with many Indigenous narratives.

Like Agamben, in the last ten years or so, theorists who are often labeled as poststructuralists have started questioning how “immensely in degree” we really differ from other animals. Two of the late Jacques Derrida’s books, having been published posthumously from lectures given in the late 1990s and early 2000s, take the proposed large degree of difference into close consideration—*The Animal That Therefore I Am* and *The Beast and the Sovereign I & II*. In the former, Derrida questions the human/animal binary that he explains is present throughout the canon of continental philosophy from Rene Descartes’s assertion of other animals as “automata” to Martin Heidegger’s insistence that they are “poor in world” (54, 79). In these books, Derrida traces the prevalence of animality in the narratives of European political sovereignty. Another theorist, Donna J. Haraway, also provides tools of inquiry into the topic of our relationships with other animals in *When Species Meet*. She does this through her

exploration of “companion species” with whom she argues humans and nonhumans share a symbiotic relationship. Haraway denies the common misconception that humans are on the “opposite side of the Great Divide” from other species (11). Her rebuttal to this popular notion, given her concept of companion species, is that humanity is a “spatial and temporal web of interspecies dependencies” (11). What can be seen from these poststructuralist theorists, in agreement with Linnaeus, is that our concepts of humanity and animality are contingent on how we narrate the relationships between ourselves and nonhuman animals—narrative acts that are performed in complex and conflicting ways.

Derrida and Haraway have also touched on, though rather briefly, Indigenous narratives concerning our complex relationships with nonhuman animals. In the first volume of *The Beast and the Sovereign*, Derrida explains the cultural relativity of our concepts of nonhuman animals by using the example of the wolf. Derrida writes that “real wolves cross humankind’s national and institutional frontiers, and his sovereign nation-states” (23). He then follows by elucidating that “the figures of the wolf belong to cultures, nations, languages, myths, fables, fantasies, histories” (24). Derrida briefly mentions Native American cultures with a version of an Anishinaabeg story in which Manabozho’s “next of kin is the wolf” (29). Haraway spends a bit more time on Indigenous culture by examining the importance of sheep and herding dogs to Navajo history and politics (98–100). It is fitting that these theorists have wandered over toward Native cultures—if only briefly—in their investigations of the relationships between human and nonhuman animals. In many tribal traditions difference between humans and other animals, while certainly present, is less dominant. This type of interrelationship is

not exclusive to Native cultures, as the previous short history of animal studies illustrates. However, in regard to other species, interconnectedness and inclusion appear broadly in oral traditions as well as in Indigenous philosophies, spiritual practices, and literatures. In many of these, texts there is a dominant narrative that suggests other animals share indigeneity with us.

Early studies of nonhuman animals in contemporary Native literature focus on their importance to human characters. In his short study on foundational texts of the Native American Literary Renaissance, Peter Beidler argues that thinking about animals leads the protagonists of Native novels along a path toward “emotional development” (139). He analyzes three novels: N. Scott Momaday’s (Kiowa/Cherokee) *House Made of Dawn*, James Welch’s (Blackfoot/Gros Ventres) *Winter in the Blood*, and Leslie Marmon Silko’s (Laguna Pueblo) *Ceremony*. Beidler explains that in each of these novels the protagonist is a “young Indian, disoriented by prolonged contact with the world of the white man, who finds his way back from confusion to right thinking by attuning himself with the world of animals” (133). Beidler’s interpretation of the role animals play in these novels privileges the meaning that they hold for the human protagonists. The interests of these animals is only a distant concern in Beidler’s analysis.

The most succinct example of Beidler’s humanistic reading is where he recounts the episode in Welch’s *Winter in the Blood*, in which the unnamed protagonist fails to save a cow. Beidler claims that “it does not matter that the cow dies,” but rather that the protagonist “has tried” (143). It is interesting to note that in the recent film adaptation of *Winter in the Blood*, the cow survives, suggesting avoiding representing

the cow's death in film does matter. Likewise, A. Lavonne Ruoff argues that the closeness that the nameless protagonist of *Winter in the Blood* feels to his father and brother "contrasts with the distance he feels from the females in the novel—human and animal" (108). She continues to explain that the narrator's chores of taking care of the cow and her calf "provide an opportunity to feel concern and commitment for something other than himself and thus provide a transitional state to the development of these feelings for humans" (120). Both Beidler and Ruoff suggest that the treatment of animals is an indirect way for the narrator to learn proper behavior toward humans.

This focus of these critics on the human meaning of nonhuman animals is congruent with how Thomas Aquinas and, subsequently, Immanuel Kant claimed we only hold indirect ethical obligations to nonhuman animals. Aquinas explained that cruelty to nonhuman animals is important because it might lead one to "become cruel to human beings" (9). He based this reasoning on human beings' similarity to a "principal agent" who has control over his or her actions through the use of reason. Conversely, nonhuman animals are "like instruments" in Aquinas's schema who lack reason and therefore are meant to be used by humans (6-7). Kant likewise claimed our duties to other animals are only "indirect duties toward humanity" (23). It is this philosophical tradition in relation to other animals that leads Beidler to claim that it "does not matter that the cow dies," but instead to focus on the humanity of the protagonist. This line of reasoning posits that we only have obligations to nonhuman animals insofar as they influence our ethics toward other humans and it denies the possibility of "principal agents" who do not belong to the human species. My proposal of first beings confronts the limitation of agency to humanity and acknowledges the active agency of many

nonhuman species.

In particular, Beidler's reasoning regarding the importance of animals is also contradictory: the protagonist needs to listen to other animals for his development, but that their death does not "matter." His contradiction rests on the premise that human interests are always privileged over and against the interests of other animals. Ruoff leaves room in her analysis of *Winter in the Blood* to think in less humanistic terms than Beidler. She writes that "animals, such as the mare and her colt, which the narrator sees as the novel opens, seem to care more for their young than do humans" (120). Despite the anthropocentric thrust of their arguments, Beidler and Ruoff are ahead of most literary criticism of their time in suggesting the protagonist (and critic) needs to pay attention to the significance of nonhuman animals as being more than a figurative device. Beidler and Ruoff approach the possibility of the agency of animals, for the most part, because of the content of the Native novels they analyze. Their studies shows us how other animals are an important, but understudied aspect of Native literatures.

The figurative and literal usage of nonhuman animals that belong to Native nations, and more specifically, to the literatures of these nations, is my focus in formulating a standpoint of first beings. Therefore, it is important that I also qualify that my use of the term *interests* when referring to how the concerns of various species are constructed through Native literature and thereby the cultures of Native nations. As Stuart Hall, one of the founders of the school of British cultural studies concisely explains, "interests are not given but always have to be politically and ideologically constructed" (167). Hall credits Marxist critic Antonio Gramsci with being first to come to this realization. Cary Wolfe is critical of extending the humanistic philosophy of

Peter Singer, among others, to our understanding of nonhuman animals. He writes that Singer's term *interests* in the utilitarian sense is antithetical to continental approaches because, as Derrida suggests, it unfolds like the "automata" that Descartes proposed nonhumans to be (69-70). Using the term *interests* to explain the interiority of beings outside the human species is tentative at best. However, I find that the word *interest* is useful shorthand for culturally mediated understandings of the intellect, emotions, and social codes of nonhuman species. These nonhuman interests, or the wellbeing and survival of other species, overlap with the cultural and, most importantly, the political discourses of Native American peoples. The understanding that nonhuman animals possess intellect and emotions, which have often been derided as mere anthropomorphism, are gaining credibility within scientific discourses.⁷ My point is in using the term *interests* I do not claim to be imposing the anthropocentric humanism (more specifically a utilitarianism solution) on nonhuman animals (although some type of anthropocentrism is always inescapable), but I am instead looking for common interests in the subject positions of both nonhuman animals and Native American peoples in relation to political discourse through the narrative of first beings.

Understanding the possible common interests between Native humans and other species—that is, first beings—allows us to understand how animals operate in Native literatures without reverting to an exclusionary human-centered philosophical tradition. In a reading of *The Surrounded*, in Chapter Two, for example, animals count as both racial allegory (the protagonist representing American Indian humans as oppressed and therefore a focus on racism) and they also count literally (the protagonist representing

⁷ On morality in several species including wolves, for instance, see Bekoff and Pierce.

nonhuman animals as oppressed and therefore speciesism). Both of these readings, I argue, operate simultaneously. The way these two interpretations operate in tandem, I also argue, suggests that indigeneity is shared between us and nonhuman animals. Furthermore, the way our figurative and literal readings do not exclude each other suggests the promise of collective political agency (human and nonhuman) responding to the politics of colonial oppression.

Philosophical inquiries into our relationships with nonhuman animals diverge particularly on the point of interests between analytic and continental traditions. However, Peter Singer (analytic) and Jacques Derrida (continental) have both argued that speciesism is analogous to other logics of oppression. The fact that these two philosophers make such similar points from two different, and often antagonistic, philosophical traditions—analytic and continental respectively—makes a strong case for our extension of this logic to our formulation of first beings. In *Animal Liberation*, Singer writes:

Racists violate the principle of equality by giving greater weight to the interests of members of their own race when there is a clash between their interests and the interests of those of another race. Sexists violate the principle of equality by favoring the interests of their own sex. Similarly, speciesists allow the interests of their own species to override the greater interests of members of other species. The pattern is identical. (9)

Similarly, in an interview, Derrida uses the term carnophallologocentrism to append the normalization of eating and assimilating of the nonhuman other that is prevalent in Western philosophy (“An Interview with”). He adds this to the normalization of the widespread privileging of masculinity and reason. We can see that, like Singer, Derrida is connecting the privileging of eating animals, or carno (or we might say the

normalization of speciesism), with the privileging of masculinity or phallo (or we might say the normalization of sexism) along with a very Euro-centric version of reason (or we might say the normalization of racism). Derrida is making a different point than Singer because he is focused on exposing the foundations of Western philosophy rather than proposing solutions per se, but the structures of oppression and inequality are quite similar in both philosophers' analyses.

Beyond suggesting a principle of equal consideration (Singer's solution), Derrida asserts that not only is our consumption of nonhuman animals both literal and figurative, but that there is a connection between these modes. He says that "what is radically alien in the other doesn't have a chance—it will be digested, melted down in the great tradition, wolfed down mercilessly" ("An Interview with") This takes the form of literal digestion in the case of nonhuman animals and assimilation in the case of Native Americans. One way to react against these oppressive systems (speciesism and racism), Derrida points out, is to concede that radical otherness should not be digested or understood fully. Just as the nonhuman is not digested (or understood intellectually by humans) our understanding of the agency of other beings cannot be fully understood. We can, however, make sense of it in relation to our own agency as Native peoples of several, distinct tribal nations. What Derrida does in his critique of the construction of nonhuman animal in Western philosophy is provide an opening for other ways of understanding interspecies relationships that come from separate ontological origins, like those of Native cultures.

To understand how the differing ontologies of native nations conceptualize nonhuman animals in a political sense, we should examine traditional narratives that

include other species. Linda Hogan's (Chickasaw) "First People" provides an excellent place to start inquiring about our relationships with nonhuman animals in oral literatures of Native cultures. Hogan refers to other animals as "first people." She gets this phrasing from a translation of a Karok story in which a magical species, Ikkareyavs (translated as *first people*), inhabits the earth. She argues that many Indigenous traditions place nonhuman animals as the first beings created. As an example, Hogan recounts an Iroquois story about other animals being the primary inhabitants. She writes, "in the beginning, according to an Iroquois creation account, the only people in the world were nonhuman animals. When a divine woman fell from the sky, the animals saved her from drowning" (8). Nonhuman animals not only were here first, but also were responsible for human existence. Hogan writes, "According to the people who are from the oldest traditions, the relationship between the animal people and the humans is one of the most significance. And this relationship is defined in story. Story is a power that describes our world, our human being, sets out the rules and intricate laws of human beings in relationship with all the rest" (9). While proclaiming that how we talk (and write) about the world has concrete effects, she simultaneously enacts this power by referring to our stories of other animals as the "oldest traditions." Stories about nonhuman animals as "first people" not only are traditional, but are also the earliest of traditional narratives.

Hogan offers a careful articulation of the lack of categorical difference between humans and nonhuman animals in traditional oral literature. She recounts how other animals are represented broadly in Indigenous cultures through the "constellation of stories, songs, and ceremonies" (10). Hogan argues that "at some times, in some ways,

there was no line between the species” (8). Her assertion of species difference, although carefully qualified, has at the same time radical implications. Hogan claims there was “no line” with the qualifier that the blur is contingent on particular times and ways. It is also interesting that she uses the past tense, “was no line.” We might take this to mean that a clear line now separates humans and other animals in all instances, whereas there was none before. However, this would hinge on the idea of a precontact paradise, which is something that Taiaiake Alfred (Haudenosaunee), among others, warns us against.⁸ One way to productively follow Hogan’s reasoning is to carefully historicize our analyses of specific texts about nonhuman animals. In conceptualizing a standpoint of first beings, it is necessary to be mindful of the many different distinctions between us and other animals that are contingent on historical and local circumstances.

Hogan explains how traditional stories often recognized the political agency of nonhuman animals. She describes how holding treaties with other animals is a long-held belief. The existence of such treaties implicitly recognizes nonhuman political agency. One of the most common ways these treaties between humans and nonhuman animals are narrated is that other animals willingly give their lives for human nourishment as long as respect is maintained for the species through religious and ecological practices. Many different tribes, Hogan explains, maintain these types of treaties. She writes:

That we held, and still hold, treaties with the animals and plant species is a known part of tribal culture. The relationship between human people and animals is still alive and resonant in the world, the ancient tellings carried on by a constellation of stories, songs, and ceremonies, all shaped by *lived* knowledge of the world and its many interwoven, unending relationships. These stories and ceremonies keep open the bridge between one kind of intelligence and another, one species and another.

⁸ Taiaiake Alfred explains that “in lamenting the loss of a traditional frame of reference, we must be careful not to romanticize the past” (53).

(italics in original, 10)

I quote this passage at length because of the importance it has on how we discuss our relationships with other animals and the political implications of that discussion. Hogan chooses to use *human* as an adjective “human people and animals,” consistent with her use of the word *people* to apply to other animals. By using the word *people*, she is placing nonhumans squarely within political discourse. This recognition of sameness, Hogan shows, is important for how we maintain treaties with others animals and recognize their agency. It is important to note Hogan’s assertion that while relationships exist, they are also complex and diffuse. She characterizes them as *many*, *interwoven*, and *unending*. This complexity calls for careful scholarship concerning our relationships with other animals.

John Mohawk (Seneca), along with Hogan, examines the importance of our relationships with nonhuman animals in terms of political discourse.⁹ Mohawk makes clear the oppressive and destructive effects of colonial ideologies on first beings. As Daniel Wildcat (Creek) explains, Mohawk is showing in this article how “the metaphysics of progress presents itself as the greatest threat to the future biology of the planet” (433). Mohawk starts off with an anecdote. He explains how Oren Lyons (Seneca) flatly states to the United Nations in 1977 “We see no seat at the U.N. for the eagle [...] No seat for the whales, no representation for the animals” (as cited in Mohawk). Mohawk blames what he calls “Economic Man” echoing back the derogatory language of primitivism that pervaded academia in the earlier half of the twentieth

⁹ I am grateful for both the funding for research and the guidance of the director provided by the Sequoyah National Research Center. It was there that I found John Mohawk’s article titled “Animal Nations and their Right to Survive.”

century and which continues to remain in less explicit, but more insidious ways. For Mohawk, “Economic Man” is ideologically driven to monetize nature. This ideology is what leads large companies (and the countries that support them) to ignore tribal interests. Mohawk wrote this in the late eighties, but it is just as relevant today (perhaps more so) with the militant action taken against Native protesters who are concerned with protecting the environment, as can be seen in the Idle No More movement. In his critique of Economic Man, and following Lyons, Mohawk uses the political language of rights in regard to species of animals, or animal nations. He mentions only briefly our relationships with animals on an individual basis. What I see Mohawk doing here is using traditional understandings of our relationships with animals to moderate the immense disrespect Economic Man practices toward nature (including other humans, for that matter, who do not share a zeal for the dogmatic narratives of progress). Mohawk is concerned with protecting the environment we share with animals and uses the political language of rights to champion endangered species. Hogan and Mohawk are just two of the scholars whom I am following in thinking about how we tell stories about animals and the effects our stories have on our relationships with them and among ourselves.

In distinction to Hogan’s language of people, I propose we should begin our study of nonhuman animals as “first beings” rather than “first people.” This will, as explained earlier, give us an opportunity to theorize how certain texts recognize the agency (or lack thereof) of other animals in Native political and other discourses. This line of inquiry may also lead to different understandings of what it means to be Indigenous. It has the potential for developing formulations of sovereignty that include

other animals. An inclusion of nonhuman animals leads the discussion toward the possibility of other types of Indigenous posthumanism.¹⁰ My study is similar to how Sue Donaldson and Will Kymlicka, in studying how we relate to nonhuman animals, attempt to “shift the debate about animals from an issue in applied ethics to a question of political theory” (22). Furthermore, it is my hope that this study begins a discussion of how Native literatures have always articulated a standpoint of first beings and how specific Native nations have developed political conceptions of what it means to be human in relation other animals.

We can start understanding Native literatures in more than merely humanistic terms. Instead of following the proclamations of Aquinas (and Aristotle before him) that animals cannot be active agents, we should be cognizant of how our oral traditions have always represented such agency. In doing so, we can understand how analyzing the intersection of our political interests as Indigenous peoples and the interests of nonhuman animals can provide us tools to work against colonial oppression. By understanding ourselves as first beings, we may have a narrative that allows us more agency in critiquing and overcoming confining dominant federal tactics of confinement.

¹⁰ For a thorough discussion on posthumanism see Cary Wolfe’s *Posthumanism*. For an excellent example of Indigenous posthumanist poetry, see Revard.

**Chapter Two: Domesticated Species in D’Arcy McNickle’s *The Surrounded*
and John M. Oskison’s *Brothers Three***

Racist attitudes that popularly constructed Indians as savages were prominent in public consciousness in the early 20th century, even though federal policy had shifted from military maneuvers to paternalistic practices ostensibly designed to “help” Indians become productive individuals in American society. These changes in ideological and practical tactics were among many that contributed to the weakening of the power of sovereign tribal governments. Chief Justice John Marshall, who delimited Native sovereign tribes as “domestic, dependent nations” in the early 1830s, manifested the direct, legal codification of this paternalism.¹¹ It was Marshall’s definition that legally “domesticated” Native nations and helped ensure that they would not have a secure foothold within the paternalistic political landscape for another century.

It is not surprising that nonhuman animal domestication—the taming and subjugation of other animals for human use—was used figuratively during debates centered on U.S. Native political issues during this time. It may prove more surprising that, in the earlier half of the 20th century, Indians and our allies also used nonhuman animal domestication to figuratively represent opposition to these paternalistic practices. These figurative depictions of other animals as Indians are sympathetically dramatized in early Native novels. There are certain passages, however, that require literal analysis; that is, other animals representing actual members of nonhuman species.

¹¹ This language was used to define tribal nations in *Cherokee Nation vs. Georgia* (1831) and *Worcester vs. Georgia* (1832). It was intended to strengthen Cherokee land claims by rejecting American claims of discovery. It is, however, how Native nations have been defined since as a guardian/ward relationship (Wilkins and Lomawaima 61).

But we can read these texts without reducing their meanings to depend upon either a figurative or a literal reading. In doing so, we can understand ourselves as first beings and can approach texts depicting nonhuman animals in a more nuanced manner.¹²

Additionally, by analyzing the narratives by Native peoples about ourselves and other animals (and the ways in which these narratives overlap) we can understand how detrimental federal ideologies and policies adversely affect more than just the human species.

First beings, as has been suggested previously, is a conceptual category that attributes indigeneity to more than just the human species.¹³ As John Mohawk reminds us, dominant Native ways of understanding our place in the world often avoid making the dogmatic categorical distinction between human and nonhuman.¹⁴ My intent in this chapter is to continue to invalidate those racist notions of Indians as savage animals while honoring Native epistemologies that do not categorically separate the human species from all the rest. I pursue this line of inquiry with the hope that it will persuasively illustrate how Native literatures provide a more balanced understanding of the relationships between human and nonhuman animals. I also hope it will allow readers to recognize, without reverting to romantic nostalgia, how those relationships have been compromised by assimilative practices exercised upon Native populations.

¹² I am unconcerned here as to whether the particular nonhuman animal, such as equine, originated on this continent. These species are Indigenous in regard to my political analysis because certain species have become culturally important to certain Native nations and vice versa.

¹³ See "First Beings in American Indian Literatures." *Studies in American Indian Literatures* 25.4 (2013). 3-7.

¹⁴ Mohawk insightfully explains that rather than being superstitious, Native narratives about animals form "a system of belief about how the world is structured and about how humans should behave in that world" (20).

Using a theory of first beings to read these texts undermines the racist trope of Indians as savage animals, while recognizing those instances in which our interests and the interests of other species coincide. I argue, through my readings of *The Surrounded* and *Brothers Three*, that confinement is the main political tactic wielded in the early 20th century against Indigenous political agency. Tactics of confinement, which were (and still are) detrimental to human and nonhuman Indigenous beings alike, were enacted through the practice of continually encroaching upon reserved tribal land and the parallel practice of keeping livestock in increasingly smaller fenced allotments. This is best evidenced in *The Surrounded* in Chapter Twenty-Seven in which the protagonist, Archilde, attempts to save a starving mare. A figurative reading of this chapter recognizes the mare as a Native American human and Archilde as the paternalistic federal agent who, in spite of his good intentions, is blind to the interests of the Indian. A literal reading (the mare as a domesticated nonhuman animal) helps us to understand how these tactics of confinement literally changed our relationships with other animals for the worse, but bifurcating our understanding of this chapter in McNickle's novel—reducing it to either a figurative or a literal reading—ignores the overlapping interests of first beings. To read McNickle's chapter from that standpoint, I argue, allows us to understand more fully the implications of confronting a politics of confinement through domestication. I follow this with a reading of how a contemporaneous novel, John M. Oskison's *Brothers Three*, alludes to these same concerns. We can understand these concerns in Oskison's novel of domestication and confinement more clearly when placing it alongside *The Surrounded*.

Sioux scholar Vine Deloria, Jr., gives us the most popular example of the

figurative use of confinement via domestication in Native theory. In *Custer Died for Your Sins*, Deloria provides a strong critique of race relations between white and Native peoples as he sees them in the late 1960s. In the first chapter, Deloria describes the earliest popular perceptions of Natives as "a picturesque species of wildlife," who were "wild animals to be hunted and skinned" (*Custer* 6-7). He goes on to explain that laws were repeatedly passed to make Indians "conform to white institutions" (*Custer* 8). Deloria describes how the solution to the "Indian Problem" morphed from the wholesale slaughter of Native populations to one which forced assimilationist policies upon Indigenous peoples. The implementation of laws in service of these policies encouraged the kidnapping of Native children who were delivered to boarding schools for re-education, and encouraged white churches to use their influence in order to erode tribal sovereignty. All of this was done, he writes, to insure that "Indians were forced into American life." Deloria provocatively describes the situation as such that, through colonization, "the wild animal was made into a household pet whether or not he wanted to be one" (*Custer* 8). In following with the view of animal-like Indians, assimilationist policies such as those practiced at Carlisle Indian school (at least, under the administration of Richard Henry Pratt), forced land allotment, and other attempts at weakening tribal power were employed to individualize, or to continue Deloria's metaphor, to domesticate Native populations. Deloria cleverly exposes racist attitudes that have described Indigenous human populations as animalistic and which have, in one form or another, continued to thrive to this day.¹⁵ He uses the concept of

¹⁵ The current debates over the Washington Redskins' name and several other sports mascots is one such way Natives are characterized as savage and animal-like. In fact,

domestication to demonstrate this problematic relationship: one in which Indians are seen as animals—either wild or domesticated—in opposition to "civilized" humans.

Directly following the Indian Reorganization Act of 1934, which sought to counteract these assimilative practices, D'Arcy McNickle's (Salish Kootenai) *The Surrounded* and John M. Oskison's (Cherokee) *Brothers Three* show the effects of assimilationist policies not only on Native Americans, but also on how we narrate our relationships with nonhuman animals. Before looking at these two novels, it is important to note the similarities between domestication and assimilation that will be integral to my analysis of these texts. I do not intend to conflate these two concepts, although I do hope to carry some of the provocative effect of Deloria's language. Instead, what I am looking at specifically are texts in which problems of assimilation and domestication overlap. I'm interested here in how domestication *figuratively* represents assimilation, especially in instances when the texts also literally apply to nonhuman animals. Domestication in the stricter sense (that is, of nonhuman animals) happened alongside the domestication, or assimilation, of Indigenous populations through the discourse of individualism and the practice of allotment.

The primary goal of domestication is to change the behavior of the nonhuman animal in such a way that it serves human interests instead of the interests of the nonhuman animal or the interests of the species. Practiced in such a way, domestication is speciesist: human interests are privileged at the cost of deprivileging, or altogether ignoring, the interests of nonhuman animals, who are almost invariably denied equal

the top ten mascots for teams are either animals or Indians. See David P. Rider <<http://www.racismagainstindians.org/STARArticle/IndiansAndAnimals.htm>>.

consideration in the process of domestication.¹⁶ The justifications that substantiate colonial ideologies for assimilating Indians follow a similar logic. The difference is that assimilation denies equal consideration of interests in terms of race instead of species. The primary reason for assimilating Indigenous populations is to change the cultural behaviors of Native peoples so that they serve normative colonial interests rather than Indigenous or tribal interests. The similarities between assimilation and domestication have to do with questions of who has the agency in the process and who is being changed to serve whose interests. Furthermore, the effects of colonization have, in several instances, not only denied agency to Natives through assimilationist and other methods but at the same time have denied interests (and the agency to fulfill those interests) to nonhuman animals through the similar method of domestication.¹⁷

Domestication and assimilation are similar in their logical structure; however, it is an understatement that assimilation is a complicated concept with a long and troubled genealogy within colonial discourses about Native Americans as well as within Native discourses about colonial occupation. It would be helpful, therefore, to have a working definition of the term. One such definition is provided by Daniel Heath Justice (Cherokee), who writes that assimilation entails "the wholesale rejection of Indigenous values and their replacement with Eurowestern values, either through choice, coercion, or violence" (xvi). Here we have a description of assimilation which, although not

¹⁶ For a thorough explanation of the concept of speciesism see Peter Singer's *Animal Liberation* which includes a comparison of the logics of racism and speciesism (6).

¹⁷ My point here is not to claim that all domestication of nonhuman animals serves the goals of the proponents of assimilation. The practice of keeping sheep among several Southwest tribes is understood as traditional and there is a long history of domesticating other species, such as canines, throughout the pre-colonial Americas. For instance, see Marion Schwartz's *A History of Dogs in the Early America* (Yale UP, 1998).

necessarily devoid of Native agency ("through choice" being one option), is not likely to be motivated by or to produce effects which are in the best interests of Indigenous peoples. Justice differentiates assimilation from what he, and others, have termed *acculturation*.¹⁸ He explains the concept of acculturation in relation to Cherokee culture as "the adaptation of certain western ways into a larger Cherokee context, thus changing some cultural expressions while maintaining the centrality of Cherokee identity and values" (xvi).

Acculturation by definition allows more agency to Native actors. In understanding a particular cultural shift as acculturation, we can recognize how it accommodates consideration of Native interests by allowing more Indigenous agency in determining those interests. Indian novels, for instance, are not products of assimilation. In continuing tribal traditions of storytelling, Native novelists incorporate western forms of expression into the larger tribal context, thereby exercising more agency through acculturation while deciding which "Eurowestern values" to adopt and how to integrate them into existing tribal culture. These two ways of changing to fit mainstream American culture as Justice defines them—assimilation and acculturation—are only two points on the spectrum of responses to colonial pressures to adapt. Whether a specific cultural shift should be categorized as assimilation or acculturation is contingent upon the details of each case and should be determined from within the culture. The difference between the two is a complete rejection of tribal culture or an incorporation of outside values into existing tribal tradition. Whether by assimilation or by acculturation, the end goal (as far as dominant federal interests in the mid 1930s

¹⁸ D'Arcy McNickle also uses the term *acculturation* in describing Native cultural

were concerned) was the making of an ostensibly free American who owns a parcel of land and who uses that land, often through domesticating nonhuman animals in particular ways, to participate in the competition of the free market as an individual.

The confining American narrative of individualism was a vehicle to assimilate Native peoples by absorbing us into mainstream white culture and stripping us of our tribal identities. As Joel Pfister writes, the concept of individualism is prevalent by "the nineteenth century—the era of the rise of industrial capitalism, of the White middle-class cult of sentimentalized domesticity, of romanticism, and of Manifest Destiny," and reformers preached this doctrine (8). One of the most appalling distillations of this concept was Richard Henry Pratt's famous dictum to "kill the Indian in him, and save the man" (Pfister 44). Instead of the colonial rationale that Indians should be killed because we were savage animals, the new colonial tactic was to kill the Native cultures within us. Pratt was particularly enthusiastic about reforming Indians through education in this way. As Pfister explains, Natives were the "subjects of crusades mounted by White reformers and schools to 'individualize' them" (12). Individualism was the *raison d'être* of Carlisle Indian school, particularly under Pratt's administration. These reforms would create workers to fit the industrial capitalist mode of production and, at the same time, divest Native tribes of their political power. In the Great Plains, the occupations of farming and cattle-ranching were especially expected to transform Indians into properly assimilated, productive members of the dominant American way of life. Pfister describes the prevailing ideology as having become by this time one in which "cities, farms, and cattle had come to signify taking the 'right path': being Christian, American,

change. See *Native American Tribalism: Indian Survivals and Renewals* (9-11).

individual" (49). The problematic way individualism is manifested, Pfister writes, downplays Indigenous social modes of identity as well as "connectedness to the nonhuman" (17). These downplayed social modes, which stress relationality between humans and other species, are integral to many Native epistemologies. As a consequence of individualism through ideological and actual domestication, the importance of traditional theories of the relationships between Native peoples and nonhuman animals was overwhelmed by restrictive colonialist narratives.

To define those Indigenous social modes that were downplayed, Pfister delineates the concept of *individualism*, which serves the goals of assimilation, from the concept of *individuality*, which is a less myopic way of conceptualizing an individual. Individuality has the potential to be adapted to diverse cultures rather than merely serving colonial designs. Many ways of understanding Native individuality include communal modes often incompatible with American individualism.¹⁹ Jace Weaver (Cherokee) recognizes Native individuality as existing in relation to the broader community. He writes that Native literature is most concerned with the "commitment to Native community" (xiii). In his description of Indigenous community, Weaver insightfully references Native ontologies when he writes that "no sharp distinction is drawn between the human and nonhuman persons that make up the community" (39). By contrast, the doctrine of individualism downplays Native ideologies that narrate connectedness to other species due, in part, to the legacy of Cartesian philosophy that informs it. Rene Descartes's "cogito ergo sum" was formulated, as Derrida maintains,

¹⁹ It is important to keep in mind that acculturation, as Justice defines it, allows for the possibility of Native individualities that are not necessarily always at odds with the

by denying other species agency or sentience (54).²⁰ The foundational influence of Cartesian philosophy on individualism continues to deny animals the agency that Native discourses recognize and overshadows the many types of Indigenous individuality that connect us to the nonhuman world.

My readings of these two early Native novels—McNickle's *The Surrounded* (1936) and Oskison's *Brothers Three* (1935)—treat them as useful in understanding how the doctrine of individualism constricts our relationships with nonhuman animals and how certain practices of domestication show potential for Indigenous individualities that demonstrate more balanced relationships between humans and other species. These novels were published directly after the Indian Reorganization Act of 1934 and, as such, are productively read in relation to the political landscape surrounding this important piece of legislation. This act, often referred to as the “Indian New Deal,” was championed by John Collier in an attempt to undo damage done by the Dawes Allotment Act and other policies (c. 1890s-1930s) inflicted upon tribal cultures in the colonial goal of assimilation through individualism. These political discussions, in which McNickle was involved, were abundant with the growing possibilities of tribal resurgence through the recognition of diverse Native individualities. As such, *The Surrounded* and *Brothers Three* provide a good starting points for an inquiry into domestication and individualism in a Native context. Besides being influenced by the political landscape, these novels are largely informed by the author's own experiences with nonhuman animals. These novels portray domestication as problematic for first

doctrine of individualism. If we were to ignore these examples, we would be conceding too much power to the narrative of individualism to define itself by what it is not.

²⁰ Descartes wrote that nonhuman animals are "automata" (Regan and Singer 14).

beings, that is, both Indigenous human populations and nonhuman animals. They show how certain U.S. policies encouraged particular practices of domestication for economic gain while unsuccessfully attempting to domesticate Native individualities that did not fall in line with the American narrative of individualism.

As previously mentioned, political discourse in the early 20th century made figurative use of nonhuman domestication. The idea of political oppression as domestication likely influenced McNickle's work. He was directly involved in Native politics and, in fact, "the same year *The Surrounded* was published," McNickle began working for John Collier, who served as the Commissioner for the Bureau of Indian Affairs from 1933 to 1945 and who also was the driving force behind the Indian Reorganization Act of 1934 (Parker 68). As Deloria explains, the act was created to combat the forces of assimilation that had been weakening Native political and cultural agency. Collier envisioned tribal governments would be "incorporated as a business venture" under the new act (Deloria, *Reorganization* xiii). It allowed tribes to choose who represented their interests to the federal government. Any Native person could be nominated as an agent representing the tribe as long as that person was a citizen of the United States, at least twenty-eight years old, and had worked in "agriculture for at least five years" (Deloria, *Reorganization* ix).²¹ Agriculture, including domestication of livestock, was a pre-requisite for representation in the awakening recognition of tribal political interests.

In relation to the practices of farming and ranching, Deloria notes that "it is plainly evident that the intent of the bill was to ensure that the allotment policy be

strengthened by hiring a person better acquainted with local agricultural activities" (*Reorganization* iv). Strengthening allotment policies by requiring agricultural experience, however, was a concession to Collier's original intent. He had assumed that Indians would be interested in returning individually-held acreage to tribal communal holdings, thereby reversing the confining effects of allotment. What Collier found, however, while traveling around Indian Country to lobby for the act, was that Native people were reluctant to reverse the land privatization set in motion by the Dawes Act and similar policies (*Reorganization* xiii). Many had grown comfortable with owning land individually and were wary about transferring their land to communal ownership, even if it was to be restored to their tribal nations. Regardless of this setback, the intent and effect of the Indian Reorganization Act was to provide systemic agency, albeit limited, for the collective interests of Native nations by giving each nation the power to elect a representative. These representatives would then be recognized by the federal government in a more consistent fashion than tribal spokespeople had been in the past.²²

The Indian New Deal provided more Indigenous agency in the form of representation to mitigate against the policies of domestication driven by the doctrine of individualism. Collier used domestication figuratively when lobbying Natives to support the Reorganization Act. Shortly before the act was passed, in a 1934 meeting of in Rapid City, South Dakota, Collier explained that Natives needed to organize as corporations to exercise political agency effectively. Using domestication figuratively, similar to how Deloria did many years later, Collier explained that the act was a

²¹ Alicia Kent explains that McNickle applied to work with Collier "in part out of a desire to become a part of these changes" to tribal governance (29).

²² This is until the federal termination policies starting in the 1940s.

solution to the problematic choice of being either dependent on the federal government or neglected by it. He announced at the meeting that "Indians have been taught that they had to choose between remaining like so many domestic animals being taken care of by the Indian Bureau or else thrown to the wolves" (as cited in Deloria, *Reorganization* 31). Here is a clear figuration of the Indian as domestic nonhuman animal. While Collier depicted the position of Indians as "domestic animals" in relation to federal paternalism, he eschewed the colonial alternative of "wild animals" (as Deloria terms it), instead portraying settlers as the wild "wolves." It is within this same political landscape in which Indians are referred to as domesticated nonhuman animals, that McNickle rewrites the draft of his first published novel.²³ As Pfister explains, *The Surrounded* "narrates the anger and resentment many Natives felt in response to Euramerican efforts to make them dependent" (218). It is fitting that as part of this resentment, McNickle chooses to depict the suffering of domesticated nonhuman animals to dramatize the political situation into which Native nations were forced by the federal government. Collier's metaphor of Indians as domestic pets (or unwilling pets as described by Deloria) and McNickle's use of nonhuman animals figuratively stand in for colonized Indians. In response to the ongoing debates about Native sovereignty, Collier and McNickle use the metaphor of domesticated nonhuman animals to spread awareness of the political strategy of confinement.²⁴

²³ *The Hungry Generation* is what McNickle called the first draft of *The Surrounded*. As Birgit Hans explains, it "would have fitted very comfortably into the group of early [Native] novels if McNickle had managed to get it published before he started serious revisions in 1934" (2). The final draft is stylistically more modern.

²⁴ McNickle also uses this language in his nonfiction. As he writes that in the popular imagination, the idea of the vanishing Indian "occasioned regret, it was no more deeply felt than that expressed for the extermination of the passenger pigeon and the buffalo.

In addition to McNickle's attention to and involvement in Native politics, his experiences growing up in what would become the setting for *The Surrounded* shaped the use of nonhuman animals in his writing. In her account of McNickle's family history, Dorothy Parker writes that his grandfather, Isidore Parenteau, was forced to leave his cattle ranch in Saskatchewan to find work elsewhere (6). She further details that the family moved to Montana where McNickle "spent most of his childhood" on the Flathead Indian Reservation where he was an enrolled member of the tribe (7).²⁵ Parker describes the valley where McNickle grew up as "ideally suited for stock raising, and areas not under cultivation were open range" where "horses and cattle grazed freely during winter and were rounded up in the spring for branding and farm work" (8). This communal use of the land was more suitable for domesticating nonhuman animals. Fencing land that had previously served as open, communal range created less feeding ground for animals who had grown up grazing on public lands. Parker writes that McNickle remembers that after the allotment and subsequent influx of white homesteaders, "the range was fenced and the local people were forced to sell their herds because they could no longer support them" (16). Local ranchers, concerned with the loss of livestock from insufficient acreage and with the nonhuman suffering that it entailed, were forced to pay to ship in additional feed, a cost to which they were not accustomed, or to sell large portions of their herds. Here, Parker describes McNickle's concern with how the policies of assimilation, particularly allotment, created problems

Such losses were accepted as part of the cost of taming a wilderness world" (*Tribalism* 3-4).

²⁵ Parker explains that with evidence of his Canadian Cree ancestry, his father convinced the Salish Kootenai tribe to adopt McNickle. His tribal enrollment became a point of contention between his parents.

for Native humans as well as their domestic nonhuman animals.

Collier, as well as McNickle, recognized the suffering of domesticated nonhuman animals. In his push for support of the Indian Reorganization Act, Collier demonstrated a keen awareness of the suffering of domestic nonhuman animals kept by Southwest tribes who faced a similar shortage of land. Arguing the need for herd reduction because of environmental issues and diminished land holdings, Collier said that he saw "terrible things" such as "cattle standing with icicles hanging clear to the ground, of their frozen breath and I saw sheep dead, frozen in the cold" (Deloria, *Reorganization* 169). Both Collier and McNickle recognized and detailed the way in which land allotment, in contrast to traditional modes of agriculture practiced, resulted in restrictive practices of domestication to the detriment of both formerly sovereign nations and their nonhuman animal livestock.

Concern for nonhumans in relationships of domestication is practiced, both by Indians and non-Indians, in traditional agriculture. As Bernard Rollin explains, "if the animals thrived, the producers thrived. The animals' interests were the producers' interests" (6). Rollin is concerned here with practical ethics. He writes that he recognizes through his work with ranchers that their practices of traditional agriculture rely on an obligation to their livestock. In fulfilling this obligation, humans feed and protect the domesticated animals against predators in order to create better conditions for the nonhuman animals than if left to fend for themselves" (5). Rollin explains that ranchers with small herds still practice this kind of traditional husbandry to this day. In doing so, they see themselves "as stewards of land and animals, as living a way of life as well as making a living" (55). Ranchers of smaller herds, like McNickle's

grandfather, are successful if they keep in mind the interests of their livestock by alleviating suffering, excepting, perhaps, the act of slaughter.

For McNickle, one of the most vivid events that illustrates the effects of allotment practices upon nonhuman animals was a buffalo roundup. Parker explains that a specific buffalo herd “posed a particular problem, as buffalo were notoriously difficult to keep fenced” (16). McNickle remembered being a witness to the collection of this particular herd. He recounted that “as a child of five or six I stood watching, amazed and terror-stricken, through the heavy timbers of the corral. One buffalo cow had been gored and her insides were pouring out. I either saw or was told about the great bull who went charging up the ramp and right through the other side of the stock car” (16).²⁶ This experience undoubtedly raised McNickle’s awareness of problems associated with the domestication of nonhuman animals. Indeed, it was partially his upbringing on the Flathead Indian Reservation, in addition to his political experience within the Collier administration, that inspired McNickle to use the trope of domestication to represent attempts to disrupt Native cultures by means of assimilationist policies. These experiences clearly inform McNickle’s use of nonhuman animal domestication in his first published novel.

In *The Surrounded*, McNickle portrays the shared indigeneity of first beings by depicting the suffering of nonhuman domestic animals and the corresponding emotional suffering of his protagonist. While on a self-imposed lonely trip to the Badlands,

²⁶ Parker notes that some buffalo did escape the roundup and “became the original herd of the National Bison Range, Moiese, Montana” (261). See video with Tim Preso, managing attorney of the Earthjustice Northern Rockies office, explaining the importance of rebuilding Bison populations whose decimation was encouraged by the

Archilde happens upon a horse who has been left to fend for herself and her colt on the barren terrain. The narrator describes these abandoned animals as having been "willing workers in their day," who now have been discarded and suffer in a state of profound neglect (237). This neglect is evidenced by the description of the elderly mare as "unbelievably thin and gaunt. Every vertebra was visible, even to the point where the rib was attached, and the sharp hip bones had worn the hair away when she lay down" (238). Archilde is distressed at this sight, and this recognition of nonhuman suffering compels him to save the mare because "his feelings would not allow him to abandon her" (240). Trying to improve the mare's chances for survival, Archilde spends several hours coaxing and chasing her so that he may lead her to a more suitable spot to graze and drink. (242). Archilde eventually succeeds and catches the mare; however, as he begins to lead her slowly and painfully to the watering hole, he notes that she is severely lame, perhaps as a result of the hours he has spent pursuing her. He is profoundly disturbed, so much so that the mare's "every limping step tortured him" (241). In this dramatic episode, McNickle shows us mutual suffering—Archilde recognizes the physical pain endured by the mare, which causes him to suffer emotionally in sympathy for her plight. He wants to feed her oats and trim her mud-entangled tail because "it was the least thing a creature of feeling could do" (238). By characterizing both Archilde and the mare as "creature[s] of feeling" and depicting their mutual suffering, the narrator places the two within the category of sentient beings, momentarily obscuring the distinction between human and nonhuman.

Sadly, at the end of the chapter, Archilde's need to alleviate the mare's suffering

overwhelms his judgment. The narrator tells us that Archilde is aware that "he was probably driving her away from water and her usual feeding ground—but he couldn't stop" (240). His attempt at benevolent domestication fails and unfortunately leads to more acute suffering. When he finally succeeds in leading the mare to a source of water, she falls to the ground and refuses to eat or drink in her exhausted state. Even in her pitiful condition, the mare vocalizes a last protest against Archilde, groaning "a final note of reproach for the ears of the man who had taken it upon himself to improve her condition" (242). Upon hearing the coyotes in the distance and in a fit of frustration, Archilde shoots the mare dead, scorning her as a "perverse creature" (242). This gruesome episode closes with Archilde her corpse from the coyotes for no clear reason other than his confused emotional state. Archilde's compulsive need to improve the situation of the mare who had been left for dead results in a macabre display of misguided domestication.

McNickle shows in this chapter how individualism disrupts tribal identity by representing the domesticated relationships of tribes to the federal government through the figure of the mare. In addition, McNickle illustrates the literal consequences of federal policies on our relationships with nonhuman animals. Laird Christensen recognizes this when he claims that assimilation in the novel works to diminish ecological modes of Salish knowledge and denigrate "traditional patterns of relating to family, society, and ultimately the more-than-human world" (3). Archilde is distraught because he realizes that the traditional Salish balance between human and nonhuman has been disrupted. This novel shows how the same strategy of confinement that led to

be-re-wild>.

the dominance of American individualism and allotment led to the suffering of more than just the human species.

Critics have analyzed McNickle's depiction of the mare in this chapter as symbolizing Indigenous human suffering due to the destructive effects of assimilative practices that confine Native culture. Alicia Kent, for example, reads the episode between Archilde and the mare as representing "paternalism of federal policy toward Native Americans" (32). Understood in this way, the effect that the doctrine of individualism has on Archilde is evident from the beginning of the chapter as he is "spending much of his time alone" (236). Archilde is alienated from both his father's and his mother's way of life, which as Robert Holton notes, are depicted as antagonistic through their separated living situation early in the novel.²⁷ As *The Surrounded* begins, Archilde has returned from his life of traveling and playing violin to help with a harvest, but is reluctant to become a farmer like his father, Max. The narrator tells us that Archilde will bring in the fall harvest and "would take care of that as part of his last duty to Max, then he would pack his clothes" (236). Archilde is not very interested in taking the "right path," as Pfister terms it, of becoming a farmer with all the individualism that the occupation entails.²⁸ The "right path" ends up being the wrong path for Archilde who feels alienated from his Salish mother. Acquiescing to American individualism would alienate him from his Salish identity, one of the many diverse Native individualities that rely on community connection.

²⁷ Holton explains that "a sense of cultural division is apparent from the opening paragraphs of *The Surrounded* as Archilde arrives home to visit his Native mother who lives in her more traditional dwelling and his white father who lives in his ranch house nearby" (74).

The figure of the nonhuman animal signifying traditional Salish individuality is prevalent in *The Surrounded*. Archilde, early in the novel, thinks that the elders of his tribe did not seem like "real people" (62). He continues by explaining that "the buffaloes had been real things to his mother, and to the old people who had come to eat with her tonight. To him they were just fenced up animals that couldn't be shot, though you could take photographs of them" (62). Other clear textual evidence exists for us to read the mare as an Indigenous human. Directly before the badlands chapter, the narrator tells us that a poor, blind, and deaf old Indian woman is "living like an animal" by bringing home the waste product from slaughterhouse rendering (234). Archilde's attempt at helping her also fails (233-4). Furthermore, the narrator compares the attempts of Archilde's nephews, Mike and Narcisse, at running away from home to the mare's situation in that they should be left alone (248). We can see the mare standing in figuratively for Indians, and Archilde representing federal policies aimed at to paternalistically improving the situation of Native peoples. One of the larger effects of these paternalistic colonial narratives has been the change in how Natives relate to the land, including its nonhuman inhabitants. As Archilde's mother explains, "In the old way of living one never stayed in one place for very long. One camped wherever there was game and grass and water for the horses" (172). Confinement policies were enacted to force the nomadic lifestyle of Plains tribes into agrarian modes and to also force those tribes that had always practiced agriculture to do so in more confined spaces, or allotments. Domestication of nonhuman animals on increasingly smaller fenced allotments as a means of providing sustenance and a new way of living was pushed to

²⁸ As Laird Christensen notes, the novel "contains no examples of successful Native

replace traditional hunting relationships with nonhuman animals.

Craig Womack reads this novel's use of other animals literally, in "There is No Respectful Way to Kill an Animal," as depicting the exploitive hunting relationships to which nonhuman animals are subjected. Womack references an earlier hunting scene where Archilde refuses to kill a doe, eliciting scorn from his mother for being a poor Salish hunter. Drawing on personal hunting experience, Womack's analysis of the relationship between himself and a hunted doe apply as equally to game animals as to the domesticated mare, despite his and Archilde's different intents. Womack writes that "there is no way to escape the fundamental inequity of the relationship. I would go as far as to say the lack of relationship: she's dead, we're not" (12). Womack explains that Archilde displays "a potential understanding for nonviolent relationships with animals that he never quite succeeds in understanding" in his hesitation to kill the doe (14). This same lack of understanding leads Archilde to ignore the agency of the mare whose condition he "had taken it upon himself to improve" with fatal results (242). He practices a form of domestication with the mare in which the interests of the nonhuman animal are actively worked against because, as Womack observes, "Archilde thinks he understands what is best for the recalcitrant animal. In fact, he thinks he understands better than she does" (16). In terms of the mare's interest, Womack also astutely notes that Archilde's actions also have decreased the "chances of survival of her young colt" (16). This lost potential for the recognition of nonhuman agency and the interests of the mare is a result of federal policies of allotment and individualism and the subsequent disconnection from the land and its many species of inhabitants. The chapter in which

farmers" (13).

McNickle's protagonist encounters the mare in the badlands works on both the figurative level by dramatizing assimilative practices affecting Indians and on the literal level by depicting problematic practices of nonhuman animal domestication caused by the same colonial forces. A colonial strategy of confinement domesticates both the Salish people and nonhuman animals.

Federal assimilation policies changed ranching practices despite the best interests of Indigenous humans or nonhumans. Archilde finding a mare left in the badlands would not have been an isolated incident at the time but an unfortunate standard occurrence. The narrator tells us that "frequently in the fall ranchers with no hay would turn all their stock loose and forget about them until spring. Then they would ride out to collect those that had survived" (37). Diane L. Beers explains that this practice of letting the livestock "fend for themselves was so common in the plains and mountain states that some lawmakers specifically excluded the intentional starvation of livestock from their cruelty statutes" (102). Animal rights organizations at the time, specifically American Red Star, lobbied vociferously against the practice (101).²⁹ However, before legislation pushing for land allotment, this practice of letting livestock graze in open fields was in the best interests of both rancher and the livestock when, as Parker notes, "pasturage was plentiful" (8). After allotment changed the landscape, which McNickle experienced during his lifetime, the abundant grasslands were confined to so many individually owned, fenced parcels. In the episode with the mare, McNickle references this specific practice of domestication and the change in federal policy against communally-held lands that corrupts it. These changes are evident as the

narrator tells us that Archilde notices that all the cattle and horses had been collected but "only the hopelessly old and crippled were left, and they were a sad lot" (237). Beers explains that, spurred by American Red Star, "investigators as well as local volunteers began a thorough examination of range stock conditions" (119). She notes that during these examinations American Red Star "found the stock owners very ready to cooperate with them." (119). Ranchers were understandably concerned with minimizing the suffering of their livestock, especially since federal allotment practices had imposed upon the existing, standard free-range practices. The interests of the livestock in not suffering from starvation was also in the best interests of the ranchers. This common interest, however, was corrupted by federal policies of assimilation and confinement.

When we take seriously both the figurative and literal readings of the Badlands episode of McNickle's first published novel, we read it from the standpoint of first beings. In doing so, we see how the suffering of Indigenous humans is a result of policies of confinement which are responsible for allotment practices. These allotment practices are also inextricably linked to the confinement and suffering of nonhuman animals. In the chapter where Archilde encounters the mare in the badlands, McNickle chronicles the beginning of how new processes of animal agriculture were forced upon Indigenous peoples. These practices of fencing off herds have reached their grim conclusion in the extreme confinement practices used in current industrial agriculture—what Rollin calls "confinement agriculture," where profit margins and antibiotics, along with the abandonment of traditional husbandry, have led to the "physical and

²⁹ Shultz explains that "a broad publicity campaign was begun in 1918" by American

psychological deprivation" of the nonhuman animals whose suffering is necessary for its existence (11). This suffering is endemic due to "lack of space, lack of companionship for social animals, inability to move freely, boredom" and other problems due to the confined spaces that industrial agriculture uses (11-2). Confinement agriculture is abhorred by those who still practice traditional nonhuman animal husbandry, Rollin notes, because they understand "their animals are more than mere economic commodities" (55). Colonial narratives of confinement are integral not only to how we domesticate nonhuman animals but how federal policies domesticate Native populations. As Kent writes about *The Surrounded*, "confinement becomes the controlling metaphor for modernity in McNickle's novel, most obviously suggested in its title" (37). Like the allotment fences, the discourse of individualism confines the possibility of competing native individualities, some of which connect us to nonhuman animals. The restricting doctrine of individualism is inseparable from the practice of confinement agriculture of nonhuman animals. Colonization perpetuates a restrictive culture for humans and nonhumans alike.

Some texts are more readily understood through the standpoint of first beings than others. Another strongly autobiographical novel contemporary with *The Surrounded* gives us an example of a less obvious text—one that makes sense to read from the standpoint of first beings when read alongside *The Surrounded*. *Brothers Three*, by John M. Oskison, a citizen of the Cherokee Nation who was born and raised in rural Oklahoma, was published in 1935, a year before *The Surrounded*.

The novel is a frontier romance about the sons of Francis Odell and three

Red Star (119).

generations of the family living as farmers and ranchers in Indian Territory under the jurisdiction of the Cherokee Nation (what Oskison refers to as "old I.T."). As Bethany Ridgway Schneider explains in Oskison's entry in the *Heath Anthology of American Literature*, the novel "traces the tragedy of mixed-blood siblings who give up a traditional relationship to the land in order to pursue the American dream of individual wealth" (198). This 448-page novel is divided more or less evenly among the three sons of Francis, the sections being named "Timmy," "The Herdsman" (for Roger), and "Mister" (the nickname for Henry). The novel continues past the early death of the mother, Janet, and the eventual death of the father, Francis, to explore how the three sons handle the family farm. Timmy pursues a life in town in banking and business. Roger continues his father's interests in cattle although he leaves the management of the farm to Timmy's wife, May. Mister is the only of the brothers to receive a college education. He tries to become a writer, fails, and then tries to play the stock market to regain the diminishing family farm holdings. This also fails, as it coincides with the stock market crash of 1929. The novel ends on a note of hope in the future of the farm, although little evidence is given to the reader to warrant such optimism.

Like McNickle, Oskison's rural upbringing informs the use of nonhuman animals in this novel, which is also strongly autobiographical. Although we should not reduce Oskison's novel to a simple biographical reading, there are many parallels between his actual life as depicted in his unfinished autobiography and the Odell family as described in the novel. As in Oskison's real life, the patriarch of the family is white, but has been granted citizenship in the Cherokee Nation through marriage to a Cherokee woman. Janet, the mother of the three brothers in the novel, like Oskison's own mother,

dies when the boys are young. Henry (or Mister as he is often called), like Oskison, leaves the farm to receive an education and to become a writer. Oskison does not depict the shared interests with nonhuman animals as concisely as does McNickle in the Badlands chapter. There are many excerpts, however, in which the characters entertain more radical notions of animal agency. So there is potential in Oskison's novel for this understanding that we are, however, first beings. The novel also depicts characters who practice responsible traditional agriculture and husbandry.

Just as a concern for suffering is important in husbandry practices, concern for the suffering of other animals was also important in Oskison's personal life. In his unfinished autobiography, there is evidence that his father influenced him regarding animal ethics.³⁰ Oskison compares his father, John, to a child in a Dickensian novel. After his father's parents died when John was just two years old, he came to live with his uncle as an "unwanted orphan" (65). The extent to which John was unwanted is relayed by the story of him being neglected as a beast of burden. His father recounts being forced, at a young age, to drive a team of oxen on all-night trips to St. Louis. Oskison explains that his father "remembered with bitterness winter nights on the road, and the agony of staying awake as he trudged along beside the oxen, thinly clothed and badly shod" (65). John is resentful of the mistreatment to which his uncle subjects him, such as this instance of being forced, at a young age, to drive oxen. This story also strongly suggests that he recognizes his own suffering as shared between himself and the oxen—instead of John recounting that he drove the oxen, he says that he was "trudging along beside" them. With bitterness, John explains that his uncle did not

expect him to live long and "wanted to get all the work he could out of me while I was alive" (66). Further reason to assume that attention to the suffering of other animals was impressed upon Oskison by his father is John's reluctance to hunt at night. Oskison relates that his "father would not do night shooting, saying that he didn't want the thought of a crippled and suffering bird on his conscience" (73). This concern for animal suffering, passed down from his father, provides evidence for why we see episodes touching upon the suffering and interests of other animals in *Brothers Three*.

In addition to Oskison's father being treated, as depicted, as a beast of burden, we are shown correct and incorrect ways of treating and thinking about domestic nonhuman animals in the novel. We are shown other characteristics of relationships with nonhuman animals that the novel portrays as incorrect and non-Indian, specifically as belonging to white culture, or more particular to the "invaders of this Indian land" (54). The narrator tells us that those invading Indian Territory were drawn by "skinny old horses or gaunt sore-shouldered mules" (55). Oskison opens his autobiography by explaining how he inherited his temper from his white father. This temper is most vividly depicted in *Brothers Three* when, in a fit of "white-faced fury," Francis "mercilessly" whips an uncooperative mule, causing the animal much suffering (23).

In contradiction to these foreign ways of treating animals (and Francis's own treatment of the mule), we see examples of proper traditional husbandry. For example, the narrator explains that Francis "noted with satisfaction that Roger already knew the cattle as individuals" (66). As the narrator explains, it was important to be able to single out livestock who needed special feeding and would only thrive under careful practices

³⁰ This has recently been published as *Tales of the Old Indian Territory and Essays on*

involving individual attention (66), even calling for “surgeon-like attention to the animal” to ensure that the animals were in the best health possible, (167). Roger also muses that "a horse to him was something more than a four-legged beast with strength to carry a rider and more or less sense. It was individual, as distinctive as one of his brothers" (167). Oskison's novel does not stop at working animals being seen in more respectful terms that take into consideration their interests. The youngest son, Mister, notes that he had "never been able to think of animals merely as objects to be bought, tended, and sold" (198). The buying and selling of cattle, however, is the exact business of the Odell family. This is one reason that leads Mister away from the "traditional relationship to the land," as Schneider phrases it, to New York and to a life of writing.

Like the comparisons of animals to humans in McNickle's novel, there are several places in *Brothers Three* where Oskison uses nonhuman animals to figuratively depict Mister, the character who most closely resembles himself. We are told by the narrator that when Henry was given the nickname "Mister" by a family friend, his mother asked, "who are you calling Mister, the baby or the dog?" (315). A further use of nonhuman animals as figuratively representing Mister is shown during his attempt to imagine what his first moments of life were like. He pictures "his own serious, wrinkled monkey face" (315). Furthermore, he imagines that, as a small child who nursed from his Aunt Liza, that he did so like "as a purring kitten" (316). It is not only his early life where Mister uses the figure of nonhuman animals to describe humans. While looking at microbes in biology class at college, Mister recalls that he "tried to write the usual student observations, then got to imagining them as human and described their capers

and quoted their observations on me and the instructors and professors" (327). We can see that Oskison is using the figure of the nonhuman animal to depict Mister and also to show us how he imagines other humans. The one point where the novel shows the greatest potential for an understanding of human and nonhuman as first beings is the realization is Roger's recognition that nonhuman animals are "individual, as distinctive as one of his brothers" (167).

Roger's realization that the cattle are individuals can be explained in terms of his privileging good husbandry techniques over shoddy work with the livestock. As Rollin explains, the interests of a rancher practicing traditional agriculture and the interests of the nonhuman animal overlap to a great degree in raising livestock in a traditional way. By understanding the cattle as having individual interests, Roger can reduce the suffering of the nonhuman animals and ensure that they thrive and subsequently return a good profit when slaughtered, but Mister's realization of the cattle as more than commodities is a much more radical realization. Along with seeking his education and career as a writer, this realization is one of the influences that lead him away from the farm. Paradoxically, it is a singular encounter with an individual steer that ultimately prompts Mister to return to his farm and strengthens his resolve to devote his time and energy to restoring it to its former glory. While walking around the city and thinking about the farm, Mister encounters a steer leading a herd confined to a feed lot. The narrator tells us that Mister

sat statue-like waiting to see the lot-fed steers appear: they had sensed his presence and, somewhat fearfully, were marching in mass to investigate. The white-faced leader emerged from the shadows, stopped, and the others crowded up on it. Blowing, the steer advanced slowly until Henry put out a hand to touch its muzzle. Then the beast whirled, snorting and led the rest away at a lumbering gallop. (437)

It is this act of reaching to touch an individual steer that prompts Mister to reassess his time on the farm. He comes to the realization that "it's details like that I must have for my stories . . . I've been a fool to imagine I could find reality anywhere else" (437). Mister later proclaims that "the Farm's a Living Organism" and decides to go back to revive it by renovating the fields and structures on it (448). But it is notable here that Mister forgets his earlier, more radical objection to raising livestock, that nonhuman animals are more than "objects to be bought, tended, and sold" (198). Oskison's novel shows potential for understanding ourselves as first beings in these passages, this becomes clearer when reading it alongside the badlands chapter of *The Surrounded*.³¹

Mister fails to recognize the nonhuman animals as individuals in practice but, instead, sees his own path to individualism through the domestication of livestock. We should give more weight to Mister's failure in this endeavor when we note that in his nonfiction, not only does Oskison use the language of domestication to describe the situation of Indians but he also recognizes the problems affecting herds and tribes confined to reservations. In "Making an Individual of the Indian," Oskison writes that when put on reservations and rations, the Indian lost romantic appeal and "became of no more interest than any other stall-fed creature" (380).³² Here, we can see that just like Collier, McNickle, and Deloria, he is using domesticated nonhuman animals as the figurative vehicle for Indigenous humans.

³¹ I don't argue that Archilde makes this connection in *The Surrounded*. His confusion is, in fact, indicative of a lack of understanding. However, I do argue that McNickle shows us how human and nonhuman interests coalesce in his novel, whereas *Brothers Three* does not quite seem to make the connection despite many of the elements being there.

³² From *Everybody's Magazine*, June 1907.

Oskison's answer to this problem of confinement on reservations is that the "modern Indian must be thought of as an individual, not merely as a unit in certain tribal groups" (381). He lauds the idea of "individual responsibility" which, as he argues, has "been directed toward getting every tribesman into his own house, on his own land, and at work for himself" (381-2).³³ The doctrine of individualism that McNickle depicts as the problem is, for Oskison, the answer to Native problems. It should be noted, however, that Oskison advocated individualism as a solution but only contingent on Indigenous agency in choosing it.³⁴ Lionel Larré explains that Oskison's work "signifies that the only struggle worth fighting was the struggle against the ultimate dehumanization that the paternalistic reservation system tended to accomplish" (15). In reading Oskison's work as more than that of a fervent assimilationist, Larré writes that, even though Oskison was a founding member of the Society of American Indians, which advocated assimilation, Oskison rarely used the word, preferring instead the word "amalgamation" (13). This concept of amalgamation, while maintaining a sense of Native identity, is, however, far from the harsh critique of individualism seen in McNickle's novel through its depiction of a Native individuality that connects us to the nonhuman world. We might see Oskison's critique of individualism without Native agency in Mister's failure to understand the intertwined problems of Native humans and nonhumans.

Oskison's characterization of Mister as being unrealistically hopeful in the survival of the family farm brings Oskison's seemingly disconnected critiques of

³³ It is interesting to note here that the Five Tribes, of which the Cherokee were included, were exempt from the Indian Reorganization Act (Deloria, *Reorganization* x).

³⁴ See Oskison's "In Governing the Indian, Use the Indian" (Laree Larré 441).

reservation policies and animal welfare together. In his nonfiction, Oskison recognizes the same problem with herd management in the Southwest that McNickle notices in the newly-allotted Indian lands in Montana. His solution is class-based, to show the shared interests of white owners of small herds and Native ranchers. In "Arizona and Forty Thousand Indians," Oskison writes about the Navajos that "the growth of their herds and flocks has forced them to seek pasture outside the limits of their mountain and desert reservation" (422).³⁵ Here, we see Oskison recognizing confinement as a problem for both the Navajo and their domestic nonhuman animals. Oskison lauds a particular white rancher who works well with the Navahos and does not mind their herds wandering onto his land because "they look after my stock" when they wander onto the reservation (422). This friendly white rancher is placed against "the big cattle companies [which] are vastly more concerned over the question of making profit" than the interests of the Navajo and their herds (423). Even though Oskison recognizes the same problems that McNickle uses to great effect in *The Surrounded*—notably the culture of confinement that affects human and nonhuman animals—he does not allow Mister to quite make this connection in *Brothers Three*.

Oskison's critique of the "big cattle companies" is an apt observation for the time. Agriculture, most notably the cattle industry, was growing rapidly before the thirties; according to Rollin's accounts, it had doubled in the hundred years before 1920 and also doubled between 1920 and 1950 (8). Fewer workers were dealing with more livestock while supplying an increasing number of postwar consumers. Traditional ranching techniques were abandoned to deal with the volume of livestock. As Beers

³⁵ Published in *Southern Workman*, March 1914.

notes, "the sheer volume of animals entering plant gates soared during the interwar period" (103). This growth in volume caused even more suffering for the nonhuman animals at the slaughterhouses. The increase "pushed the mallet men beyond their physical capabilities, meaning that fewer of their blows struck their mark.

Consequently, thousands of animals were fully conscious when they went to the killing floor"(103). This growth of demand and subsequent supply of beef along with fewer workers is only possible with an increase in productivity including "mechanization, technological advancement, and the consequent capability of confining large numbers of animals in highly capitalized facilities" (Rollin 9). Unlike Roger's careful husbandry that relies on knowledge of the animals as individuals, the change from traditional to industrial agriculture meant "less attention is paid to individual animals" (Rollin 9). And less attention, increasing degree of confinement and the growth in the size of herds also led to the exponential increase in the suffering of these domestic nonhuman animals. The path of individualism was paved with increased suffering for many individual nonhuman animals.

We can see that despite Oskison's use of the figure of the "stall-fed creature" to critique reservation policies, Mister fails to fully recognize the interconnected interests between domestic nonhuman animals and Indigenous peoples in *Brothers Three*. What is most noticeable if we focus on the interests of other animals, though, is the lack of attention to the suffering of nonhuman domestic animals when it would exist in one of its most extreme forms: the overworked slaughterhouse. There is only one mention of the suffering during slaughter. It is by Janice, a woman from New York who becomes Mister's wife. She visits with a romantic interest in the lifestyle of the cattlemen. In

thinking about the large mass of cattle destined for the slaughterhouse, she excitedly wonders, "what a river of blood would flow from their carcasses!" (201). What is troubling in *Brothers Three*—given all of this attention to animal suffering and even Janice's speculation of how the killing floor would look—is the complete absence of consideration of the other animals' interests after the family travels with the cattle to the Chicago stockyards. There is not any further concern mentioned for the suffering the nonhuman animals would inevitably endure. The final fate of the cattle is ignored. This is congruent with John Berger's claim that "animals have gradually disappeared" under the economic mode of industrial capitalism (11). Philip Armstrong explains in his reading of Upton Sinclair's *The Jungle*, that even when the atrocities of the slaughterhouse are on display, they are presented in a way that forces the viewer to concede that "certain kinds of suffering or deprivation are unavoidable and must be accepted in the pursuit of progress or profit" (141). The concern of the Odell family at this point is mostly the pursuit of profit; the other interests of the nonhuman animals almost disappear.

Janice is the only one who contemplates the cattle beyond leaving them at the stockyards and counting the price per head. Janice's vision of the morbid display on the killing floor is thrilling to her because it is a spectacular example of human "pursuit of progress." The omission of further mention of the slaughterhouse in *Brothers Three* may also be explained, as Rollin does, in that "few ranchers have ever seen their animals slaughtered; even fewer wish to. The vast majority see themselves as stewards of land and animals, as living a way of life as well as making a living" (Rollin 55). The slaughterhouse, along with the changes in production that created more suffering, was

antithetical to the ethic of traditional husbandry techniques and because it was necessary for the ranch economy it also disappears from the thoughts of the cattlemen just as it did, as Berger notes, from public consciousness. The only subversive narrative to this is Mister's reluctance to view the cattle "as objects to be bought, tended, and sold" (198). But his objection is lost at the end of the novel when he resolves to take up the lifestyle of a rancher again to save the farm. It should be conceded that it is hard to read Mister's attempt at coming back to the post-depression farm as promising and easier to see it as false hope in this path to individualism. While Oskison's work contains many of the elements that McNickle's badlands chapter does, it does not readily lend itself to be read from the standpoint of first beings. We can, however, understand how the disparate elements of Oskison's figurative and literal use of nonhuman animals show potential for this reading when placed alongside *The Surrounded*.

The language of domestication prevalent in the political debates over Indigenous sovereignty in the mid-1930s is expertly condensed in the badlands chapter of D'Arcy McNickle's *The Surrounded*. As Louis Owens explains, "individuals find themselves trapped in a kind of mute isolation" in McNickle's novel (240). I would only add that these individuals are not always human. We can also see that another novel at the time, Oskison's *Brothers Three*, contains potential for bringing the interests of humans and nonhumans together. But it is Mister's adherence to individualism being the solution to federal paternalistic policies that prevents such a potential from being fully realized in the novel. By reading these texts from the standpoint of first beings, it is evident that the racism inherent in the language of Native American domestication and the speciesism integral to exploitative practices of domestication of nonhuman animals share the same

source. These two texts show us how confinement agriculture and the confinement of Native peoples by federal policies are interwoven. We can only understand them fully by taking both the figurative and literal readings of domesticated nonhuman animals in texts seriously. Reading in such a way also privileges Indigenous ways of understanding the world that do not draw a sharp distinction between human and nonhuman beings.

Chapter Three: Sovereign Species: Nonhuman Animals and Cherokee Politics

In August of 2009, Bob Barker of television game show *The Price is Right* fame, wrote a guest blog for CNN about his attempt to negotiate with the Eastern Band Cherokee (EBC) for the release of approximately thirty bears who had been kept at roadside zoos on a reservation for the entertainment of tourists (Barker, “LKL Web Exclusive”). Barker met with Chief Michell Hicks of the EBC about the bears, but little resulted from that meeting. According to Barker, the animals suffer from neglect and poor health and are confined to cramped, unadorned concrete cages. Barker explains that several people, including PETA investigators, observed the physical mistreatment of the bears, including a lack of proper food and the stressful living conditions of these nonhuman animals. The bears, the investigators noted, would “pace back and forth, walk in endless circles” and exhibit other signs of being under-stimulated and underfed (Barker, “LKL Web Exclusive”). The U.S. Department of Agriculture (USDA) corroborated these accounts of mistreatment in their investigations. The *Associated Press* reported that in January of 2013, the USDA fined one of the zoos, Chief Saunooke Bear Park, \$20,000 for its “inhumane conditions” (Weiss). One of the tribal council members, Angie Kephart, said about the situation that “Barker and PETA should have shown more respect. . . . We are a sovereign nation. We can do what we want to” (Johnson). Kephart’s reasoning for continuing the mistreatment of bears for tourism relies on the sovereign status of the Eastern Band Cherokee (EBC), yet fails to take into account the constraints on that political agency.

The situation ostensibly can be understood, following Kephart’s accusation of disrespect, as Barker trying to teach Cherokees the error of their ways by—even if

unwittingly—playing the role of a white savior. This would certainly not be the first time that a “non-Indian,” misguided by narratives of progress, has attempted to change the practices of a particular tribe. More specifically, Native nations have a troubled, antagonistic history with animal rights activists. For instance, Lawrence Sampson, a spokesperson for the American Indian Movement, explains that while animal rights activists protested whale hunting, some employed racist propaganda which caused a large increase on assaults toward the Makah and other Natives (6). It is an unfortunate reality that disrespect for Native cultures, fueled by progressive ideologies espoused by certain animal rights activists, results in increased violence toward Native peoples. Thus, in the context of the history of such disrespect and outright bigotry, Kephart’s admonition of Barker and PETA is understandable.

But what complicates this particular situation is that, Barker is, at least legally, an Indian. In his biography, he claims that he is “one-eighth Sioux” and records show that he is enrolled in the Sioux Nation (96).³⁶ Barker recounts spending his early years on the Rosebud Reservation and explains that “it was not uncommon to have Indian heritage in those days in that region of the country” (96). Without being privy to Barker’s knowledge of Cherokee culture (or his own Sioux heritage, for that matter) or his understanding of the complex political history of sovereignty, we can only guess how much “respect” Barker showed to Chief Hicks in the private meeting between the two. At any rate, Barker’s identification as Indian changes how we can read this situation—as intertribal critique. Barker’s blog is, after all, the critique of the Eastern Band Cherokee by one Sioux, Bob Barker himself.

³⁶ His Wikipedia page displays an image of the South Dakota Indian Census Roll for

Barker's meeting with the chief of the EBC, although unproductive in finding an immediate solution, did renew the struggle in the surrounding Cherokee communities to free the bears. In an *Associated Press* article about the controversy, Mitch Weiss reported that opposition to the EBC bear zoos is not a new cause in the surrounded Cherokee communities. A Cherokee elder Sylvester Crowe, recalled, "some Cherokees were against the roadside bear exhibits when they began appearing on the reservation in the 1950s." Crowe goes on to say that those protests faded only after being repeatedly ignored (Weiss). Two other EBC tribal elders, Amy Walker and Peggy Hill, filed a lawsuit to revoke the zoos' licenses and to secure the release of the bears. Walker explained her disgust, saying that "it's shameful that the Cherokee Bear Zoo is still displaying intelligent, sensitive bears in tiny concrete pits" (Weiss). The other plaintiff, Peggy Hill, in the same article, explained that the negligent treatment of the bears is evident. She says "it's obvious to anyone who sees them that these bears are suffering, and they will continue to suffer every day until they are sent to a sanctuary where they'll finally receive the care they need" (Weiss). Amy Walker explains that the bear attractions are antithetical to the Cherokee value to "respect all life" (Weiss). Tribal councilwoman Kephart's claim that the tribal sovereignty justifies the treatment of the bears is far less persuasive in light of the disapproval of several EBC citizens and the realization of the long history of protest against the zoos. With the weak justification of sovereignty given for the treatment of these bears, this controversy allows us an opportunity to theorize the possibility of sovereignty being extended beyond the human species.

1930 in which he is listed Robert Barker.

This particular controversy is but one example of the numerous and complex interactions between humans and animals in Native cultures; it is one specific tribe relating to a small group of the members of one particular nonhuman species. We can use this as an example to examine how to understand Native traditional values, such as the Cherokee value to “respect all life,” in relation to political discourse. As I argue in Chapter Two, the confinement of nonhumans is concomitant with the confinement of Native peoples and, as such, the two issues are not easily separated. This entanglement is evidenced by the reality that the EBC relies heavily on money from tourists to operate in an impoverished and confined reservation. Tourist money aside, I will argue that recognizing the sovereignty of the bears by respecting the reality that they are suffering may help EBC politics more accurately reflect traditional Cherokee values.

If sovereignty can be described, at least in part, as being contingent upon the recognition of suffering of a species, nonhuman sovereignty can be recognized and acknowledged within Native political discourses. A narrative of ourselves as first beings, instead of merely human, can include nonhuman animals in our political philosophies and, furthermore, that doing so will strengthen the power of our sovereign nations by respecting traditional values. In exploring sovereignty—or political agency—as it applies to other animals, Vine Deloria, Jr.’s assertion in *We Talk, You Listen* that suffering predicates sovereignty is important. I argue that a concept of first beings is inchoate, but ultimately excluded in the philosophies of two current Native political theorists: Taiaiake Alfred and Dale Turner. I further explain that the traditional Cherokee story "Origin of Disease and Medicine" recognizes the political agency of nonhuman animals and has been put to explicit political use by the Cherokee Nation of

Oklahoma. In conclusion, we should recognize the possibility of the nonhuman world more generally possessing types of sovereign status.

Native theorists have referred to sovereignty most often to signify political agency. David E. Wilkins (Lumbee) and K. Tsianina Lomawaima (Creek) provide us the clearest definition of a "sovereign nation" as a group that "defines itself and its citizens, exercises self-government and the right to treat with other nations, applies its jurisdiction over the internal legal affairs of its citizens and sub-parts (such as states), claims political jurisdiction over the lands within its borders, and may define certain rights that inhere in its citizens" (4). Moreover, they explain that all sovereignty is limited in that it contains "constraints," not least of which are "the terms of its treaties with other sovereign nations" (5,4). Here we have a definition of sovereignty as political agency that is mediated by certain obligations and constraints in relation to other sovereign agents. This more practical formulation of the way that sovereign nations may exercise power leaves little room for the meaningful involvement of nonhuman animals; that is, unless our conceptualization of sovereignty were to involve the recognition of other animals as sovereign agents.³⁷

Such explicit, legally-codified formulations of sovereignty, however, rest on broader notions of what sovereignty is and how it can be defined within political discourses. The multiplicities inherent in the process of defining sovereignty allow us to theorize how nonhuman sovereignty can be recognized and acknowledged within Indigenous discourses. Many Native theorists are reluctant to pin down broader philosophical definitions of the word "sovereignty." Instead, they would rather

concentrate on the ways in which it could be defined strategically. In *We Talk, You Listen*, Vine Deloria, Jr. defines sovereignty first and foremost as a process. Deloria writes that "the responsibility which sovereignty creates is oriented primarily toward the existence and continuance of the group" (Deloria, *We Talk* 123). Robert Warrior suggests that the reason Deloria evades directly defining sovereignty is because he realizes that it is "a process of building community and that process will define the future" (91). Deloria recognizes that an optimal definition of sovereignty will need to adapt; it should be nimble enough to unite a group in the face of the equally adaptive political tactics of oppression.

In explaining his reasoning for conceptualizing sovereignty as a process, Deloria recounts how in 1969, the "disenchanted white youth" at Woodstock wrongheadedly declared themselves a minority. In response to this declaration, in order to differentiate how oppressed minorities can be identified outside their declaration of themselves as such, Deloria insightfully argues that "implicit in the sufferings of each group is the acknowledgment of the sovereignty of the group" (Deloria, *We Talk* 117). For example, there is, of course, an immense difference when comparing the sum total amount of suffering of youth counter-culture in the 60s with the physical and cultural genocides experienced by Native nations. Deloria's point is well-taken in that we should be precise about the groups we designate as oppressed because privileged groups may appropriate the identity of a minority.

Appropriation is a problem for several reasons, but the most severe obstacle it creates by the enabling of structural inequalities to persist by masking privilege. It is

³⁷ For a analytic study that extends non-Native political philosophy to nonhumans, see

with this caveat in mind that I argue that nonhuman animals, particularly those who are used for food and labor, fit the conceptual category of an oppressed group according to Deloria's criterion of suffering. In terms of nonhuman animals suffering, as Craig Womack puts it, "there is no way to escape the fundamental inequity" of human relationships with other animals whom we kill for food, or, I add, neglect in service of our own ends (such as labor or for tourist attractions). The recognition of nonhuman suffering in Native literatures, evident in D'Arcy McNickle's *The Surrounded* and John M. Oskison's *Brothers Three*, calls for the recognition of sovereignty or political agency as a logical next step. If we apply Deloria's assertion that suffering predicates sovereignty to nonhuman animals, then our recognition of other animals' ability to suffer signals an ethical obligation to recognize that they possess sovereignty. We should acknowledge that other animals have at the very least a kind of sovereignty. As Wilkins and Lomawaima remind us, sovereignty is never free and unfettered, but exists with constraints. Our obligation to recognize the sovereignty of nonhuman animals is one of the constraints upon our own sovereignty. We should be cognizant and respectful of how nonhuman sovereignty limits the power of our own sovereign nations.

Recognition of the sovereignty of nonhuman animals is already integral to many Native traditions and should be to political traditions. As is evidenced in the conflict with Makah, however, animal rights activists who misunderstand or dismiss these traditions also overlook the political complexity of Native cultures (Nocella and Kahn 6). The most harmful animal rights ideologies rest on a line of reasoning that has been made by scholarly activists. As an example, I would like to focus briefly on an

argument by Lisa Kemmerer, who argues against Native hunting traditions.

Kemmerer's argument contains threatening implications to Native sovereignty—implications that her argument does not fully realize.

In her article titled “Hunting Tradition: Treaties, Law, and Subsistence Killing,” Kemmerer posits that current hunting practices carried out by Native peoples should not be allowed by the U.S. government because the practices have changed too much to qualify as treaty-defined subsistence practices. Her argument rests on the idea that traditions must be static, though she herself acknowledges that traditions may change. She terms changes “new traditions,” if, for instance, they involve new technology, such as hunting with motorized boats (34). These new traditions via technology prove to Kemmerer that Native peoples should “abide by all laws regulating hunting, fishing, and trapping” by which all other citizens of the United States are legally compelled to abide (37).

What Kemmerer ignores in her analysis is the complex nature of the sovereignties recognized by federal treaties and the colonial tactics that have been employed against those Native nations. In her characterization of tradition, she recognizes (but argues against) Native nations' sovereign rights to define their own hunting traditions. She fails, however, to acknowledge that Native nations also utilize their sovereignty to construct the signifier *tradition*, which, in turn, becomes part of the negotiating process with the United States government. Kemmerer assumes that an analysis of *tradition*, which she begins with the Latin root *traditio*, is sufficient to delineate traditions no longer in practice from “new traditions” (32). However, in making this claim, she fails to understand Native cultures and political realities on a

fundamental level—that is, tradition, like sovereignty, is also a process.

Furthermore, Kemmerer fails to acknowledge military and assimilationist tactics that forced cultural and legal change upon Native nations. She is only somewhat persuasive in her use of the objections by Makah tribal elders who protest the disrespectful hunting practices of their own tribes. However, her citation of Makah elders is outweighed by her insistence upon labeling all Native American peoples as “early immigrants” on the premise of the land bridge theory of human migration (1).³⁸ Kemmerer’s study is helpful, though, in understanding a specific line of inquiry in the field of animal studies. This line of inquiry ignores the reality of tribal cultures, the multiplicities of sovereignty outside of U.S. federal law, and above all, the far-reaching effects of colonization.

In response to animal advocates such as Kemmerer who misunderstand tribal cultures, we should respond with an understanding of ourselves as first beings. This provides a way of articulating how sovereignty can include our complex relationships with other animals without ignoring the far-reaching effects of colonization. To do this, we should rely on those Native traditions that recognize the agency of nonhuman animals. As presented in Chapter One, Linda Hogan explains how Native oral literatures have always recognized the political agency of other animals by referring to *treaties* to signify our relationships with nonhuman species (10). As also mentioned, John Mohawk focuses directly on the political implications of how traditional Native American relationships with animals were co-opted by economic motivations. Mohawk points out that the inherent rights of other species to exist is a tenet that is broadly held

³⁸ See “Low Bridge—Everybody Cross” from Deloria’s *Red Earth, White Lies* on the

among Native traditionalists. He explains that “it was acceptable to hunt and fish as long as the activity did not damage the survivability of the herds or flocks” (20). The treatment the EBC condones of the bears in the zoos might be seen as congruent with the survivability of the species. However, as Mohawk points out, outspoken Native ecologist Ray Fadden explains that in the Northeast, he feels compelled to “feed the bears, because there’s not enough for them to eat” (19). Mohawk poignantly writes that certain traditions include the belief that “protection and advocacy for the animal nations is also a political priority” (22). Mohawk’s use of the term “animal nations,” like Hogan’s reference to other animals as *people*, acknowledges the breadth of traditional knowledge that recognizes political agency existing beyond the human species. The treatment of the bears in the zoos on the Eastern Band Cherokee reservation cannot be easily separated from the plight of bears and other wildlife in the region. Our well-being is also not easily separated from the well-being of other animals.

We need a more traditional understanding of ourselves as first beings to permeate our current political philosophies. Many current Native political philosophers have thus far neglected to incorporate into their works a thorough acknowledgment or acceptance of those traditions that recognize nonhuman agency. Much scholarship in Native studies and Indigenous political philosophy does, however, allude to the traditions that value our responsibilities to animals and the rest of the natural world. For example, Taiaiake Alfred (Haudenosaunee) and Dale Turner (Temagami) both postulate a broad-based intertribal politics while alluding to our relationships with other animals. They miss an opportunity, however, to thoroughly integrate traditional relationships

conflict between Native traditions and politicization of the land bridge theory.

with nonhumans into their broader understanding of Native politics. Both theorists gesture towards the importance of nonhuman animals, but ultimately their definitions of politics rests upon an exclusion of other animals. Despite this shortcoming in their arguments, their work has the potential to radically transform our notions of sovereignty.

In *Peace, Power, and Righteousness* and *This is Not a Peace Pipe*, Alfred and Turner critique how liberal individualism, predicated on recognizing the individual as the basic unit for discourses (judicial, economic, political), overdetermines conceptions of sovereignty or, more specifically, how it distorts the way in which sovereignty is perceived by paracolonial nation states.³⁹ Alfred is critical of the phrase “tribal sovereignty,” which he describes as Indians gaining control of “governing structures” which he claims are problematically “without a cultural grounding” (3). With cautious optimism, he writes that Native nations are in the “first stages of a movement to restore autonomous power and cultural integrity in the area of governance” (26). Alfred sees sovereignty as a process—albeit an “uneven” one—“of re-establishing systems that promote the goals and reinforce the values of indigenous cultures” (26). Turner is similarly concerned with broadening the idea of “Aboriginal sovereignty,” which he argues “in all its diversity is best understood by listening to the myriad voices of Aboriginal peoples themselves” (59). Like Deloria, both of these political theorists recognize the need for understanding sovereignty as a process of ensuring it is adaptable to the political climate of the future. Furthermore, they recognize that this process

³⁹ I use the term “paracolonial” simply to point out that colonialism has not ended and to differentiate it from the “postcolonial.” For a short critique of postcolonial theory as it applies to Native literature, see King

should allow input from Native peoples and perhaps, most importantly, from traditionalists among them.

In their critiques, Alfred and Turner attempt to revise static formulations of sovereignty belonging to politics proper to reflect more Native-centered philosophical concepts. They correctly point out that the American doctrine of individualism is a non-Native premise superimposed on Native politics through colonial occupation. Both replace this misunderstanding with similar interpretations of the basic tenets of the long-held alliance of tribes known as the Iroquois Confederacy. Alfred and Turner argue that man, who above all is a creature of reason, is the basis for the political philosophy of this alliance (17, 53). This broader basis for politics recognizes the problems of individualism, but does not extend past its anthropocentric foundation. In shifting an understanding of sovereignty from a concept based on liberal individualism to one based upon reason as the criterion for humanity, they deny agency to the other animals who they previously mentioned as important.

Before I begin to explore how an understanding of ourselves as first beings can be usefully applied to Indigenous political philosophies, I want to sketch a quick justification for my methodology as it pertains to inter-tribal critique (I am a citizen of the Cherokee Nation critiquing Mohawk and other traditions). I believe that to be respectful to Native ideas, theories, and texts, we must be critical. This is by no means an assumption shared by all critics. However, instead of bringing this conviction to my analysis from outside the texts, I want to make the point of the value of critiquing tradition from one of the texts themselves. At the end of Alfred's *Peace, Power, and Righteousness*, transcribed from an answer to an interview question, Alfred says

“Indians don’t always think critically about tradition” (165). Alfred continues by explaining that lack of critical thinking is the locus where it is imperative that Native intellectuals intervene. This same critical stance towards traditionalism is echoed by Craig Womack. He writes that “Native intellectual traditions should be subject to harder scrutiny than they have been in the past” (*Art* 111). Tradition, like sovereignty, is a process. Part of that process is critique. In being critical of any native text (including traditional texts), I intend to respectfully engage with the material rather than to fall into the common traps of dismissing its ideas altogether or of treating the work as sacred to the point of its being untouchable. I believe that there are more and less respectful ways to be critical, and I intend that my analysis and critique to be the former.

Alfred makes gestures toward conceptualizing humans as first beings in a political sense. He initially acknowledges the importance of our relationships with nonhuman animals, explaining that “Native ideas centre on the imperative respectful, balanced coexistence among all human, animal, and spirit beings, together with the earth” (66). Alfred also acknowledges the heterogeneity of Indigenous ways of knowing and then moves very quickly (within the same paragraph) to exploring how we might formulate a cohesive “Native American’ political tradition” which, among other goals, “promotes peaceful coexistence among all elements of creation” (14). Alfred later claims that Indigenous traditions lack “western notions of dominion (human and natural)” and instead center on “harmony, autonomy, and respect” (29). This echoes Jace Weaver’s critique of Christianity postulating the “human being’s divine creation as superior” (142).

While Alfred’s inclusion of nonhumans is laudable, he does not make altogether

clear how they can be enacted. As well, he fails to give any explanation as to how the connections to nonhuman animals he describes fit into his overall approach to politics more practical than the abstract notions of “harmony, autonomy, and respect.” Still, his theory of an inter-tribal tradition that promotes peace among "all elements of creation" makes the concept of peace foundational to relationships. Most importantly, in terms of my focus here, other animals are not excluded from these peaceful relationships. His inclusion of "all human, animal, and spirit beings" provides a platform to investigate how nonhuman animal agency might be practically recognized and how it would operate within this "peaceful coexistence."

After including animals as a group with which a "peaceful coexistence" can be realized, Alfred excludes nonhumans in his focus rational human beings. He cites a speech by Haudennosaunee historian John Mohawk positing reason as the basic tenet of the Iroquois Confederacy. Mohawk says:

All human beings possess the power of rational thought; all human beings can think; all human beings have the same kinds of needs; all human beings want what is good for society; all human beings want peace. . . . Out of that idea will come the power . . . that will make the people of the [Rotinohshonni] among the most influential thinkers in the history of human thought. . . . The basic fundamental truth contained in that idea is that so long as we believe that everybody in the world has the power to think rationally, we can negotiate with them to a position of peace. (As cited in Sioui 47-48)

As Alfred explains in an endnote, he is referencing this speech which was given by Mohawk at the University of Buffalo in April, 1985. Alfred misses an opportunity to relate this speech to Mohawk’s “Animal Nations,” which would require a political philosophy inclusive of nonhumans. He also fails to explain how the foundational tenet of reason applies to “all human, animal, and spirit beings” (Alfred 66).

Alfred’s reliance on rational thought being a human attribute places the agency

of nonhuman animals outside of political discourse. He cites the speech as an example of Rotinohshonni “oratorical tradition” from a text by Georges E. Sioui (17). What is not mentioned is the possible influence of Aristotelian humanism through Jesuit writer Joseph-Francois Lafitau (1681-1746) on this Iroquois tradition. Sioui writes that this missionary—who lived with both the Wendat and Iroquois—was fascinated by their spirituality, philosophies, and tribal council meetings. Lafitau was interested in studying Indians because he wanted to make theological arguments about “the innate existence of a religious sense in man” (Sioui 47). In his writing on the Iroquois, Sioui also explains that Lafitau was “impressed by their confidence [. . .] in the human’s capacity for rational thought” (48). Lafitau’s anthropological project indicates a possible influence on Iroquois tradition of the rhetorical importance of rational thought as a uniquely human attribute. His goal of studying Iroquois was focused on “religious sense” and how reason was a universal and unique human attribute. In reading the possibility of Lafitau’s influence on Mohawk tradition, I am not arguing that it invalidates rational humanism as Mohawk tradition, since reason may be the closest translation for long-held Mohawk values. I also want to avoid making a facile delineation for possible “new traditions” such as Kemmerer proposes in her argument against honoring hunting treaties. I do argue, however, that a politics of reason based on human exceptionalism fails to recognize the political agency of nonhuman animals.

Similar to Alfred, Temagami critic Dale Turner recognizes our obligations to nonhuman animals while relying on reason as an ordering concept for broad-based intertribal politics. In *This is Not a Peace Pipe*, Turner also cites the Iroquois Confederacy as the prime example for forming a wider Indigenous political philosophy.

Regarding our relationships with other animals, he describes a Northwest tribe, the Gitksan people, who envision a world where “the land, the plants, the animals and the people all have spirit—they all must be shown respect” (66). Turner notes how the “Great Law of Peace” of the Iroquois Confederacy explains this respect in humanistic terms.⁴⁰ He writes that “a human being possesses intrinsic value and ought to be accorded respect” (49). Turner continues by arguing that “an Iroquoian conception of justice centres on the idea that all people can live in peaceful coexistence provided they respect the moral autonomy of the other” (53). He expounds that an “Iroquoian assumption about human nature is that rational human beings, or those of ‘good mind,’ desire peace rather than disorder and war” (53). The concept of a “good mind” and the way Mohawk and Alfred use “rational thought” are very similar in their goals—they are both looking to construct a political ideology that is concerned with peace as an end goal through the instrument of reason.

However, as Mohawk reminds us in “Animal Nations,” inherent in Native traditions toward nonhuman animals is “a respect not easily described” (20). In an endnote, Turner concedes the complexity of the concept of good mind in Iroquoian philosophy. He writes that the concept’s “similarity to European ideas of the Good and to questions around ‘living the good life’ are interesting and worthy of closer examination” (150).⁴¹ Including Mohawk’s text on the political agency of other animals to the discussion not only complicates Alfred’s use of Mohawk, but also opens the possibility for other Haudennosaunee concepts of sovereignty. An inclusion of other

⁴⁰ This law has been passed down by oral tradition and recorded by wampum (beaded) belts.

⁴¹ Turner mentions talking to Vera Palmer and Christopher Jocks for “many hours of

animals also falls in line with how Alfred sees sovereignty as the "first stages of a movement to restore [our] autonomous power and cultural integrity in the area of governance" (26). If, as Mohawk explains, rationality can be the rhetoric that leads to "to a position of peace," it is hard to reconcile this stance with a version of peace that stretches outside humanity. Furthermore, focusing primarily on reason leaves little space for the political agency of nonhuman animals in the construction of that peace.

What both Alfred and Turner might unwittingly impart is that to build a more Indigenous-centric definition of sovereignty which would expand respect to the "wider community," as Weaver phrases it, we should rely on Aristotle's formulation of man as a thinking being. Aristotle categorized humans in relation to other animals because the Greek philosopher claimed they lacked reason. It is possible that this influence came from Lafitau because Jesuit moral philosophy is heavily influenced by Aristotle.⁴² However, even if it is not Aristotelian influence, the assumption of man as a creature of reason is equivalent to the Greek philosopher's stance. In *Nicomachean Ethics*, Aristotle searches for the categorical element that differentiates humans from animals. In his description of the soul, he posits that there is a rational and an irrational part of the soul (Smith). Aristotle claims that certain parts of each interact with the others but that the rational parts are something that is "peculiarly human" (Smith 60). Reason, per Aristotle, is uniquely human.⁴³

My concern here is that both Alfred and Turner reject the heavy influence of

discussion on this fascinating dimension of Iroquoian philosophy" (150).

⁴² On Aristotle's influence on Jesuit moral philosophy, see Simmons. For accounts from Jesuits during the time period, see Parkman.

⁴³ For a recent reconsideration of Aristotle and nonhuman animals, see Martha Nussbaum.

liberal humanism on Native sovereignty, but accept a formula analogous to Aristotelian humanism. In employing Aristotelian humanism as a base for Indigenous political philosophy, the need for a “respectful, balanced coexistence” with other species is unrealized (Alfred 66). While Alfred and Turner do not explicitly deny other animals the ability to reason, their arguments rest on that assumption. I am not interested in arguing here that nonhuman animals have the same (or similar) types of reasoning capacities that humans possess.⁴⁴ What I am pointing out is that Alfred and Turner are building an inter-tribal political philosophy on the premise of reason, which denies animals any degree of agency within political discourse. In effect, they deny sovereignty to other species.

A more charitable reading of Alfred and Turner with regard to other animals is that they are employing human reason as the foundations of politics not only to shift the discussion about Indigenous sovereignty away from the doctrine of individualism, but also as a corrective to earlier discourses of savagery, or Indians as animalistic. As Roy Harvey Pearce writes in *Savagism and Civilization*, in many settlers’ prejudiced views, Indians were “denied their holy, human selves and lived like beasts; they were, in the traditional terminology, more animal than rational” (5). Pearce is not alone in pointing out this language of animality as applied to Natives. As mentioned in Chapter Two, Vine Deloria, Jr. explains how this racist language of Indians as subhuman is strewn throughout texts of travel narratives and early anthropological studies (*Custer* 5).⁴⁵

Whether Alfred and Turner use Aristotle rhetorically or employ similar Native

⁴⁴ For more on the existence of emotions and moral codes in nonhuman animals, see Bekoff and Pierce.

⁴⁵ For more on the idea of the subhuman in relation to colonialism and animal studies,

formulations of man as rational animal, they deny other animals agency. They are both exchanging one formulation of a non-Native philosophical system (the autonomous individual created by discourses of liberal humanism) for another (the exceptional rational human being as proposed by Aristotle); and in doing so, Alfred and Turner shift the discourse on sovereignty from a focus on individualism to one centered on reason. Besides creating a problem for the inclusion nonhuman agency, the replacing of individualism of liberal humanism with Aristotelian humanism is a step in a more inclusive direction, and it would prove to be more productive for Native politics were only humans a concern. However, one large caveat is that neither of these two authors is clear about their definitions of rationality or of who gets to define it. Colonial-controlled definitions of rationality pose an immense problem for us as first beings.

If resting sovereignty on the foundation of reason fails to recognize the agency of other animals, it also threatens the political agency of Native humans. David E. Wilkins and K. Tsianina Lomawaima clearly map the contentious field of federal law as it applies to American Indian nations. At one point, the authors focus on plenary powers, contesting one particular type of plenary power exercised by Congress—absolute power. Wilkins and Lomawaima detail how Supreme Court rulings invoke the possibility of these absolute powers and, at the same time, attempt to narrow the instances in which they can be applied. One particular case shows how the Court attempts to limit the application of absolute plenary powers to rational grounds. In *Perrin v. United States* (1914), the Supreme Court decided that these powers should only be enacted for the “protection” of tribes. The decision states that “to be effective,

see Decker.

[plenary powers'] exercise must not be purely arbitrary, but founded upon some reasonable basis" (Wilkins and Lomawaima 114). However, as Wilkins and Lomawaima astutely note, "Of course, determining what is 'arbitrary' and what is 'rational' is subject entirely to the interpretive power of the justices of the Court, who tend to defer to the political branches of the federal government" (114). The definition of rationality is subject to "interpretative power" and, in this particular case, it is subject to legal interpretation following American political interests.

Rationality, as such, is not sufficient as the sole criterion for a politics of first beings. As the problems with absolute plenary powers illustrate, it is problematic to assume rationality exists without interpretation. Paternalistic U.S. interpretations of federal laws toward Native tribes prove that reason is an unstable basis for a broadly conceived Native political philosophy. This problem is compounded when rationality is evoked to actively limit tribal sovereignty. Furthermore, by arguing that reason is the prime criterion for inter-tribal political philosophy, we deny other animals political agency. The recognition, rather than the denial, of the sovereignty of nonhuman animals can be conceptualized by following my reading of Hogan's formulation of species difference. Following this, we should focus on stories and traditions that define tribal community and sovereignty. By focusing on these stories, traditional relationships with nonhuman animals can influence Native political philosophy to include the sovereignty of other animals.

It is with my analysis of Hogan's formulation of species difference in mind that I want to turn to a tribally-specific example of how humanistic definitions of sovereignty can be expanded to include other animals. By understanding ourselves as

first beings, we can expand the recognition of human political agency outward. This allows us to recognize how traditional narratives have always recognized that nonhuman animals possess political agency. To do so, I refer to a Cherokee traditional narrative, a story from my own tribe. My analysis of “Origin of Disease and Medicine” shows how we, as Cherokees, have narrated our relationships with other animals and have thus recognized their political agency. This reading also suggests that we should start revising our current formulations of sovereignty so as to include the agency of nonhuman animals.⁴⁶ This is only one example of how a traditional narrative can help us understand ourselves as first beings. It is also an example of a way forward for conceptualizing ourselves as first beings in Native political philosophy.

This understanding of a political relationship with other animals and a recognition of their sovereignty is illustrated in the Cherokee story “Origin of Disease and Medicine.” The story explains how human ailments began, along with how humans discovered cures for those ailments. Anthropologist James Mooney collected the story as one of many Cherokee stories for the U.S. Bureau of American Ethnology in 1887-88. Mooney gathered or transcribed manuscripts from several Cherokee medicine men among the Eastern Band Cherokees and confirmed these narratives with elders in Indian Territory, where the Cherokee Nation of Oklahoma (CNO) now resides. He categorized these collected stories as either sacred or secular. The categories of sacred and secular, however, are not always separate. A few of the stories concerning nonhuman animals, according to Mooney, belong to both categories. Mooney writes that “the shorter animal

⁴⁶ For a discussion of animal rights and deep ecology in relation to this story, see Tom Regan. Regan’s analysis is otherwise well-reasoned, but his assessment of ambiguity rests on an attempt to discern pan-tribal environmental ethics, rather than limiting his

myths have lost whatever sacred character they once had, and are told now merely as humorous explanations of certain animal peculiarities.” He concedes, however, that in “rare instances” these animal stories can also be sacred (231). The sacred stories, as Mooney categorizes them, belong to a class that includes Cherokee stories of the origin of the world. “Origin of Disease and Medicine” is an example of one of these “rare instances” in which a story belongs to the categories of both sacred and secular and in fact is printed in both Mooney’s *Myths of the Cherokees* and *Sacred Formulas of the Cherokees*. It is likely that the medicine men whose counsel Mooney sought understood the political implications of recounting such a sacred story to Mooney, who was, after all, a non-Indian anthropologist employed by the U.S. government.

“Origin of Disease and Medicine” can be understood as instituting a recognition that animal suffering leads to human suffering and it establishes that recognizing the sovereignty of other species is integral to healthier relationships with other animals. The story begins with a description of a time when humans and nonhuman animals related to each other on much more equal terms than they do now. Due to its importance to my analysis and its relative brevity, I will excerpt the full story:

In the old days quadrupeds, birds, and insects could all talk, and they and the human race lived together in peace and friendship. But as time went on the people increased so rapidly that their settlements spread over the whole earth and the other species found themselves beginning to be cramped for room. This was bad enough, but to add to their misfortunes man invented bows, knives, blowguns, spears, and hooks, and began to slaughter the larger animals, birds and fishes for the sake of their flesh or their skins, while the smaller creatures, such as the frog and worms, were crushed and trodden upon without mercy, out of pure carelessness or contempt. In this state of affairs the animals resolved to consult upon measures for their common safety.

The bears were the first to meet in council in their townhouses in Kwahi, the “Mulberry Place,” and the old White Bear chief presided. After each in turn

study to Cherokee cultures or even to the Native cultures of particular region.

had made complaint against the way in which man killed their friends, devoured their flesh and used their skins for his own adornment, it was unanimously decided to begin war at once against the human race. Some one asked what weapons man used to accomplish their destruction. "Bows and arrows, of course," cried all the bears in chorus. "And what are they made of?" was the next question. "The bow of wood and the string of our own entrails," replied one of the bears. It was then proposed that they make a bow and some arrows and see if they could not turn man's weapons against himself. So one bear got a nice piece of locust wood and another sacrificed himself for the good of the rest in order to furnish a piece of his entrails for the string. But when everything was ready and the first bear stepped up to make the trial it was found that in letting the arrow fly after drawing back the bow, his long claws caught the string and spoiled the shot. This was annoying, but another suggested that he could overcome the difficulty by cutting his claws, which was accordingly done, and on a second trial it was found that the arrow went straight to the mark. But here the chief, the old White Bear, interposed and said that it was necessary that they should have long claws in order to be able to climb trees. "One of us has already died to furnish the bow-string, and if we now cut off our claws we shall all have to starve together. It is better to trust to the teeth and claws which nature has given us, for it is evident that man's weapons were not intended for us."

No one could suggest any better plan, so the old chief dismissed the council and the bears dispersed to their forest haunts without having concerted any means for preventing the increase of the human race. Had the result of the council been otherwise, we should now be at war with the bears, but as it is the hunter does not even ask the bear's pardon when he kills one.

The deer next held a council under their chief, the Little Deer, and after some deliberation resolved to inflict rheumatism upon every hunter who should kill one of their number, unless he took care to ask their pardon to the offense. They sent notice of their decision to the nearest settlement of Indians and told them at the same time how to make propitiation when necessity forced them to kill one of the deer tribe. Now, whenever the hunter brings down a deer, the Little Deer, who is swift as the wind and can not be wounded, runs quickly up to the spot and bending over the blood stains asks the spirit of the deer if it has heard the prayer of the hunter for pardon. If the reply be "Yes" all is well and the Little Deer goes on his way, but if the reply be in the negative he follows on the trail of the hunter, guided by the drops of blood on the ground, until he arrives at the cabin in the settlement, when the Little Deer enters invisibly and strikes the neglectful hunter with rheumatism, so that he is rendered on the instant a helpless cripple. No hunter who has regard for his health ever fails to ask pardon of the deer for killing it, although some who have not learned the proper formulas may attempt to turn aside the Little Deer from pursuit by building a fire behind them in the trail.

Next came the fishes and reptiles, who had their own grievances against humanity. They held a joint council and determined to make their victims dream of snakes twining about them in slimy folds and blowing their fetid breath in their faces, or to make them dream of eating raw or decaying fish, so that they

would lose appetite, sicken, and die. Thus it is that snake and fish dreams are accounted for.

Finally the birds, insects, and smaller animals came together for a like purpose, and the Grubworm presided over the deliberations. It was decided that each in turn should express an opinion and then vote on the question as to whether or not man should be deemed guilty. Seven votes were to be sufficient to condemn him. One after another denounced man's cruelty and injustice toward the other animals and voted in favor of his death. The Frog (walasi) spoke first and said: "We must do something to check the increase of the race or people will become so numerous that we shall be crowded from off the earth. See how man has kicked me about because I'm ugly, as he says, until my back is covered with sores;" and here he showed the spots on his skin. Next came the Bird (tsi'skwa; no particular species is indicated), who condemned man because "he burns my feet off," alluding to the way in which the hunter barbeques birds by impaling them on a stick set over the fire, so that their feathers and tender feet are singed and burned. Others followed in the same strain. The Ground Squirrel alone ventured to say a word in behalf of man, who seldom hurt him because he was so small; but this so enraged the others that they fell upon the Ground Squirrel and tore him with their teeth and claws, and the stripes remain on his back to this day.

The assembly then began to devise and name various diseases, one after another, and had not their invention finally failed them not one of the human race would have been able to survive. The Grubworm in his place of honor hailed each new malady with delight, until at last they had reached the end of the list, when some one suggested that it be arranged so that menstruation should sometimes prove fatal to woman. On this he rose up in his place and cried: "Wata!" Thanks! I'm glad some of them will die, for they are getting so thick that they tread on me." He fairly shook with joy at the thought, so that he fell over backward and could not get up on his feet again, but had to wriggle off on his back, as the Grubworm has done ever since.

When the plants, who were friendly to man, heard what had been done by the animals, they determined to defeat their evil designs. Each tree, shrub, and herb, down even to the grasses and mosses, agreed to furnish a remedy for some one of the diseases named, and each said: "I shall appear to help man when he calls upon me in his need." Thus did medicine originate, and the plants, every one of which has its use if we only knew it, furnish the antidote to counteract the evil wrought by the vengeful animals. When the doctor is in doubt what treatment to apply for the relief of a patient, the spirit of the plant suggests to him the proper remedy. (Mooney 319-22)

Some might characterize the use of nonhuman animals in this story as anthropomorphic, as many Native animal stories are understood; this particular story, however, proves too complex an example for such a dismissive reading. Clearly, we would also be mistaken

to read this somber narrative as one of the “humorous explanations” of animal behavior. It does, however, include small elements of such stories, such as when it explains the reason for stripes on the backs of ground squirrels and why the grubworm “wiggles off on his back” (Mooney 321). However, these examples are overshadowed by the way the story articulates the valid concern of various species in avoiding suffering caused by humans. Therefore, it is vital to recognize the political importance of this story as it applies to human relationships with other sentient species. Indeed, the political importance of “Origin of Disease and Medicine” is evident, as it is a traditional example of how we as Cherokees have narrated our relationships with other animals. The assertion that nonhuman animals and humans “lived together in peace and friendship” characterizes an ideal ethics of our relationships with other animals – here, an obligation on our part to minimize suffering. Such ethics include, at the very least, an obligation to avoid killing nonhuman animals to the point of extinction or “out of pure carelessness or contempt.” This ideal can and should extend to our treatment of other animals more generally.

The first part of the narrative establishes that Cherokees do have an existing political relationship—or treaty, as Hogan terms it—with nonhuman animals. The story continues by explaining that this ideal relationship was compromised by the problem of human greed. Humans began to kill other animals not solely for sustenance, but to trade their hides, which led the various animal tribes to form a council to “begin war at once against the human race” (320). As part of their tactics in this war, the animal tribes created diseases for humans, including “rheumatism” and infected dreams to make humans “lose appetite, sicken, and die” (321). To avoid these afflictions, the story

explains, hunters are required to ask for forgiveness from the animal who has been killed. If the hunter fails to do this, the spirit of the animal will afflict the hunter with a particular disease.²

This traditional narrative serves as a warning against transgressing treaties with nonhuman animals by hunting in an ethical way. However, this story also establishes an ethical baseline for the treatment and killing of other animals. While praying for an animal after death does not alleviate its suffering (from a secular standpoint), it may help to create a culture of hunting that is more mindful of the suffering of nonhuman animals while they are alive. “Origin of Disease and Medicine” enunciates a concern for how other species use the power of disease to avoid suffering due to carelessness and the inevitabilities of human overpopulation, or “settlements spread over the whole earth.” At the council meeting with the other animal tribes, the Frog, who leads the meeting entreats, “We must do something to check the increase of the race or people will become so numerous that we shall be crowded from the earth” (Mooney 321). The solution for the nonhuman animals of this story to avoid suffering and extinction is to use their powers to create diseases for man. This traditional Cherokee story, with its figurative use of other animals carefully understood, clearly recognizes the suffering of nonhuman animals being hunted for sport or profit. With several types of species given voice in the story, it is proper to include all sentient animals in the formulation of those who are recognized as having power and exercising it. Those beings who can suffer, according to this Cherokee narrative, should not suffer without apology.

“Origin of Disease and Medicine” has also been referenced recently within a Cherokee political text, suggesting that it has importance both culturally and politically.

In 2002, officials of the Cherokee Nation of Oklahoma included a shortened version of this story in a political document titled “Disease and Genocide.” The document, authored by former chief Chad Smith and former deputy chief Hastings Shade, was part of a more comprehensive manuscript titled *Declaration of Designed Purpose* meant to elucidate the political philosophy of the Smith administration. Smith and Shade summarize “Origin of Disease and Medicine” by writing that

From the beginning, there had been an agreement between the Cherokees and the animals that the animals would sacrifice some of their own to sustain the Cherokee people, provided the people took no more than they needed to live, and provided they showed the proper honor and respect to the animal at the time of the kill. For many generations, the Cherokees had abided by this agreement as they hunted the animals, and the animals had given their lives without remonstrance.

Smith and Shade continue by explaining how the demand for European goods caused the over-hunting of deer in particular. According to the authors, this practice predicated a plague of smallpox in 1738 that killed half of the tribe and another wave of the disease forty years later that killed another third of the Cherokee population. Smith and Shade go on to explain that the plague was followed by failed political alliances with the French and British. All these factors, Smith and Shade claim, led to a weakened and thereby increasingly centralized Cherokee governmental structure. The formation of a unified governing body occurred in response to a tribe that could not battle against the genocidal agenda of the burgeoning United States in the eighteenth century (Smith and Shade).

It is clear here that Smith and Shade are arguing that relationships with nonhuman animals maintained by Cherokees changed with European contact. They also posit that this change predicated diseases, specifically smallpox, which led to the Cherokees' inability to defend themselves in war with the invading colonists. As Jared Diamond explains in his popular history of colonization and inequality, European germs played a decisive role against the political resistance of Native American tribes. Diamond writes that “diseases introduced with Europeans spread from tribe to tribe far in advance of the Europeans themselves, killing an estimated 95 percent of the pre-Columbian Native American population” (78). The introduction of unknown diseases traveled along trade routes between Europeans and Native American tribes and it also spread among tribes faster than the “Europeans themselves” with devastating effect.

“Origin of Disease and Medicine” is a prescient warning against future mistreatment of other animals. The origins of many of the most devastating human diseases, including smallpox, are unknown. The Center for Disease Control claims that “smallpox is not known to be transmitted by insects or animals.” However, a recent scientific study suggests that smallpox was likely mutated from a pathogen originally present in domesticated nonhuman animals (Wolfe, Dunavan & Diamond 279). Domesticating nonhuman animals, something not done on a large scale in the Americas pre-Columbus, likely allowed the disease originally to mutate. And, as the authors of the scientific study readily concede, most human diseases originate in nonhuman animals particularly in regions where domestication became a common practice very early.

Smith and Shade construct this political document, “Disease and Genocide,” to demonstrate how a change in relationships with other animals led to several autonomous Cherokee towns consolidating into a nation. Rather than overhunting, however, a difference in the prevalence of domestication, keeping nonhuman animals in greater numbers and increasingly confined spaces, likely led to the mutation of smallpox and other diseases deadly to humans. Smallpox, and other diseases, spread to Cherokees and other tribes with increasing contact from those newly arrived to the Americas. In this political document, Smith and Shade allude to a non-Indian way of conceptualizing human relationships with other animals. An increase in domestication led to the susceptibility of Cherokees to the diseases from settlers and eventually contributed to American campaigns of confinement and genocide. This was because for eighteenth-century Cherokees, as Smith and Shade write, “the balance of their world was gone.” A lack of balance in relationships with nonhuman animals, as the authors argue, was partly responsible for the consolidations of autonomous towns into a centralized Cherokee Nation of Oklahoma (CNO).

Declaration of Designed Purpose, of which “Disease and Genocide” was excerpted for the CNO website, was published the same year the Oklahoma Water Resources Board took steps to study pollution in scenic rivers of Oklahoma. These studies provided evidence of phosphates from Arkansas poultry farms which polluted water sources, such as the Illinois River, within the borders of Oklahoma and the CNO. The lawsuit was filed by the state of Oklahoma against Tyson and eleven other large poultry companies in September of 2009. CNO attempted to join the state of Oklahoma in this lawsuit to protect the Illinois River from pollution produced by the waste created

by the large poultry farming operations. Federal courts denied CNO entry into the lawsuit and also denied it upon appeal (Chavez). By attempting to join this lawsuit, the CNO demonstrated a common grievance with the state of Oklahoma. Both the CNO and Oklahoma attempted to seek damages from the poorly regulated, or unbalanced, poultry companies in Arkansas.

The CNO, in its attempt to join the lawsuit, asserted its sovereign right to "preserve the watershed for cultural, religious and recreational usage" (Chavez). The balance of phosphates in CNO watershed was compromised by poultry operations. Smith and Shade's focus on the imbalance of our relationships with other animals. This focus allows "Origin of Disease and Medicine," which is alluded to in "Disease and Genocide," to operate politically. Had the CNO not been denied as plaintiff, this allusion would have positioned the CNO strategically against Tyson and the other poultry companies. It would have allowed the CNO grounds to claim the Arkansas poultry companies had transgressed Cherokee sovereignty. This transgression would have been more than additional phosphates to a water resource, but more broadly, an offense to Cherokee cultural and traditional values.

In using a version of "Origin of Disease and Medicine" to assert their sovereignty, the CNO also implicitly recognized the disrespect and suffering, and as Deloria would have it, the sovereignty of other animals, such as chickens in these large poultry companies. The large-scale poultry operations not only pose a danger to the environment (and sovereign control over water sources), but induce more suffering in the nonhuman animals themselves than other methods of farming or hunting. As Annie Potts explains in her history of the species *Gallus Gallus*, chickens raised for

consumption in large operations such as Tyson suffer acutely and en masse, 8-10 billion a year in America alone (139). Standard breeding practices which privilege weight gain above all else lead to “up to 30 percent suffer[ing] severe lameness and swelling, and at least that many suffer[ing] chronic pain” (155). Even chickens kept for egg-laying live under “constrained conditions” that, in most instance, do not allow them to turn around (Potts 160). The overcrowded conditions of these chickens are responsible for sickness and death of many of these nonhuman animals by way of “extreme suffering” of the species “at every stage of processing prior to slaughter” (167). Since, as Potts writes, the Animal Welfare Act and Humane Slaughter Act disregards chickens, it is noteworthy that the CNO implicitly recognizes the suffering of that species, especially since that suffering leads to human disease.

The imbalance in the U.S. poultry industry, which the CNO political document “Disease and Genocide” critiques, is caused by disregard for the suffering of chickens and disregard for the pollution and disease created by such farming practices. In 1998, Tyson was sued for contributing “coliform bacteria, phosphorous and nitrogen” to water sources in Maryland (Potts 170). The pollution of local rivers and the possibility of new diseases suffered by humans and other animals are the unfortunate but likely outcome of this disregard for the suffering of other animals and a disregard for ecological balance which “Origin of Disease and Medicine” clearly warns against. These lessons taught by traditional Native stories about nonhuman animals can help us consider the possibility of more balanced relationships with other species. These more balanced relationships can recognize the ethical, ecological, and political importance of how we treat them.

We should take seriously Hogan’s claim of treaties with nonhuman species in our traditional stories through our recognition of their political agency. “Origin of Disease and Medicine” is one such tribally specific example. In this story, we are compelled to recognize the suffering of other animals. In addition, this narrative allows us to theorize the possibility of nonhuman sovereignty. Theorizing sovereignty in this way comes closer to an understanding of ourselves as first beings—different, but not categorically so. The beginnings of our recognition of nonhuman agency is already evident (if incomplete) in Native political philosophies, as shown through Alfred and Turner. If we allow our politics to reflect the respect afforded to nonhuman animals that is prevalent in our traditional stories, we will understand more clearly that the constraints on sovereignty need not be restricted to the human species.

Conclusion

My critique in this study of how Native American literatures, and therefore Native cultures, recognize the political agency of nonhuman animals only scratches the surface of a much larger group of relevant literature. One notable novel not mentioned in this study, for example, is N. Scott Momaday's *The Ancient Child*. This novel sustains a fair amount of focus on the relationship between the protagonist, Grey, and her horse. But this is only one of the many examples of Native texts that have the potential to complicate our understanding of the relationships between humans and nonhuman animals. There are so many examples, in fact, that a comprehensive study would be improbable at best. One way to productively move forward, given the number of examples, is to look at tribally-specific ways of understanding our relationships with other animals. I begin this approach in Chapter Three, where I argue that we can recognize a tribally-specific Cherokee understanding of the political agency of nonhuman animals. These texts that narrate our relationships with other animals include not only Native literature in the restrictive sense (novels, short stories, and poetry) but Indigenous art, philosophies, spiritual practices, and other products of Indigenous cultures. Furthermore, focusing on political agency and suffering as I have in this study is only one of many potential ways of understanding ourselves in relation to other animals and of understanding nonhuman animals in relation to us. With all of this in mind, I hope that my study is only another step in the critical exploration of the many and complex relationships between humans and nonhuman animals to be found in Native cultures.

My examination of human and nonhuman relationships in Native literatures may

be expanded even further by thinking about how Native literatures (in the broad and narrow senses) echo how Native cultures relate to the nonhuman world more generally; that is, how Native literatures depict the importance of relationships with beings both living and nonliving. An excellent example of this broader examination can be found in Carter Revard's (Osage) latest book of poetry *From the Extinct Volcano, a Bird of Paradise*. In this collection, Revard focuses on singing as the main tool for cultural survival. As he stresses in his introduction, the act of singing, and thereby the possibility of perpetuating culture, is not something that is confined to the human species. He includes poems that pay close attention to the songs and behaviors of several species such as drumming deer mice and the songs of several birds (including the wine-throated hummingbird), diligent dung beetles, egg-eating blacksnakes, and opportunistic chiggers. However, Revard also includes beings that we do not typically think of as living. This is evidenced by the poem "Geode." This poem is narrated from the point of view of the geological structure on its journey from the bottom of the ocean to ultimately end up as bookends on the shelf. In thinking of ourselves as first beings and paying attention to the common interests we share with nonhuman animals there is potential, as Revard shows us, for an expanded understanding of our own indigeneity in relation to the nonliving world. Rather than understanding ourselves as separate and above the nonhuman world we should come to the realization that we have always been interconnected with it, as one of many types of beings.

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