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NEWSLETTER ON INDIGENOUS PHILOSOPHY

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FROM THE EDITOR

Lorraine Mayer
Brandon University

The APA Committee on the Status of Indigenous Philosophers held two sessions at the 2011 Central Division meeting. The first session, a symposium on environmental justice and Indigenous peoples, featured excellent presentations by Robert Figueroa, Brian Yazzie Burkhart, and Kyle Powys Whyte. The second symposium was on Vine Deloria Jr. with presentations by Lorraine Mayer, Thomas Norton Smith and Luan Fauteck Makes Marks. The papers presented at this meeting by Whyte, Figueroa, Mayer, and Norton Smith are featured in this issue of the newsletter.

ANNOUNCEMENTS

Call for papers

Ayaangwaamizin: International Journal of Indigenous Philosophy is seeking submissions for a special edition on the philosophy of Vine Deloria Jr. Articles should focus on the works, life, and projects of Vine Deloria Jr. as they contribute to a deeper understanding of philosophical issues and themes. Of particular interest are articles that convey the importance of Deloria's philosophical work to Indigenous communities. Sample questions might include the following: How does Deloria's work contribute to understanding the nature of justice or even a deeper understanding of the problem of Indigenous justice in particular? How does Deloria's work contribute to a greater understanding of the nature of knowledge and importance of Indigenous knowledge in particular? How does Deloria's work contribute to a greater understanding of the nature and importance of Indigenous worldviews?

Vine Deloria Jr. memorial awards

Deloria APA conference travel grants. Native graduate philosophy students are invited to apply for \$500 grants to fund travel to American Philosophical Association conferences. One travel grant is reserved for each of the conferences.

Applicants for the travel grant are asked to submit *electronically* a multi-paragraph statement (1) introducing the applicant and affirming tribal enrollment or affiliation and (2) detailing the applicant's purpose in attending the conference. Since special consideration will be given to applicants who are presenting, it is especially important to detail and evidence

any and all contributions that applicants will make to the conference.

Deloria philosophy essay prizes. Indigenous undergraduate students are invited to submit a philosophy essay for one of five \$100 prizes. Submissions should be *electronic* and submitted to either Brian Yazzie Burkhart (brian.burkhart@csun.edu) and Kyle Powys Whyte (kwwhyte@msu.edu).

An essay can be about any *philosophical* problem or figure, topic or methodology, tradition or movement, but contributions to or reflections on Native or Indigenous philosophies will be especially welcome. Submissions should be well-composed and conform to a standard style manual, e.g., the *MLA Style Manual*. Essays should be between six and ten pages in length, with standard margins and 12 pt. font.

PRESENTATIONS FROM SESSION I AT THE 2011 APA CENTRAL DIVISION MEETING

Indigenous North American Ethics and Aldo Leopold's Land Ethic: A Critical View of Comparison and Collaboration

Kyle Whyte
Michigan State University

Introduction

Aldo Leopold's land ethic is commonly compared to the Indigenous North American ethics of many tribal communities. These comparisons are well-intentioned when they seek to cross the chasm between non-Native environmentalists persuaded by Leopold's ideas and tribal members working tirelessly to guard the lands depended on by their communities. Yet how far across the chasm do we get? I will argue that comparison should not establish common ground that masks some significant differences between Leopold and contemporary tribal members on the meaning of social ties, history, and science. I will conclude by suggesting that perhaps *collaboration*, in a sense invoked by Simon Ortiz, serves as a better basis for forging sustainable, multicultural communities that blend the ethics of Leopoldians, Indigenous peoples, and many others.

The historical view

Leopold's land ethic is compared favorably to North American tribal ethics in two ways: *historical* and *translational*. Dan Shilling's "Aldo Leopold Listens to the Southwest" expresses the

historical view.¹ He argues that there is a striking resemblance between Leopold's conception of the ethical responsibilities we have to the biotic community and the ethics of Indigenous North Americans. Indeed, Leopold may have been inspired at least partly by the nations of the Southwest: "[He] drew from many sources, but to find one, look beyond the hundredth meridian to a fragile yet unforgiving landscape, and then look to the cultures who had sustained themselves, who more often than not knew a 'state of harmony', in place for thousands of years."²

Shilling makes some proposals for how Leopold may have been influenced by Southwestern tribes. He emphasizes the inevitable presence of Native people in the demographic profile of the Southwest and draws attention to the fact that tribal land holdings bordered areas where Leopold worked.³ He highlights Leopold's exposure, through his wife's "Hispanic roots," to alternative conceptions of land management that pre-existed American colonization.⁴ Leopold's experiences in the Southwest must have shaped his well-known statement: "Five races—five cultures—have flourished here. We may truthfully say of our four predecessors that they left the earth alive, undamaged."⁵

Shilling goes on in the essay to make actual comparisons between Leopold's attitude toward the land and the attitudes expressed in print by tribal members. Leopold's ideas of preserving the integrity, stability, and beauty of the land and of humans as plain citizens of the biotic community converge with what Shilling sees as two common attitudes of American Indian ethics, *restraint* and *reverence*, toward the land: "restraint because, as people close to the land, [Native people] understood and embraced their dependence on Earth's resources; reverence because all was a gift from the Creator, whose reincarnated universe meant animals, trees, and rocks were another 'people'."⁶

For Shilling, numerous passages from Leopold and tribal members such as Intiwa and Black Elk have strikingly similar meanings on land, preservation, responsibility, love, character, diversity, instruction, and purpose. As an example, Shilling sees affinity between Leopold and Leslie Marmon Silko insofar as both convey that "[t]he land ethic encompasses more than forests, rivers, and wildlife; it is more than a tool to preserve resources and critters. It is, instead, a means to a greater social good. As Leopold saw in Germany, the way we treat the land speaks volumes about the way we treat one another."⁷

Shilling gives a historical view because he posits Leopold as having possibly been inspired by some of the ethics of Indigenous peoples. It is also historical because it puts Leopold and Native authors in dialogue as representatives of a multicultural North American environmentalism. *Shilling sees Leopold as offering an attitude toward the land comparable to Indigenous North American ethics in terms of content and historical convergence.* Perhaps rekindling such common ground is what is needed to foster dialogue on building sustainable communities between non-Indigenous and Indigenous peoples.

The translational view

A translational view seeks to strike upon the best relationship between Leopoldian and Indigenous ethics for creating a multicultural, global sustainability movement. American Indian ethics are one of the many Indigenous ethics considered by proponents of the translational view, of which J. Baird Callicott's *Earth's Insights* (1994) is a good example. He begins by asking "[h]ow . . . might we unite the environmental ethics of the world's many cultures into a systematic whole?"⁸ Callicott poses this question to seek "a genuine multicultural network of environmental ethics, rather than an eclectic and conflictive patchwork."⁹

Leopold's land ethic is the key that can unlock the possibility of unity. Its scientific evolutionary and ecological framework gives it a special priority over the ethics of Indigenous peoples:

[The land ethic] is not just one option among many, standing alongside, say, the Jain *ahimsa* environmental ethic, and appealing only to members of a specific sect or culture. It is a sister environmental ethic, but it is also proffered as a universal environmental ethic, with globally acceptable credentials, underwriting and reinforcing each of the others. Further, it is also intended to serve as a standard for evaluating others.¹⁰

For Callicott, only the land ethic can interpret and validate all Indigenous ethics. To further demonstrate why this is the case, consider one of his central examples concerning the culture of North American Ojibwes: "the woodland American Indian concept of multispecies socioeconomic exchanges was touted, because it was, abstractly speaking, identical to the ecological concept of a biotic community, which is foundational to the Leopold land ethic."¹¹

Callicott is aware that his proposals in *Earth's Insights* come dangerously close to suggesting that Leopold's land ethic ought to colonize the other ethics. He offers a set of reasons explaining his immunity from this criticism by stressing the global consensus on the merits of privileging science. First, "Western ideas have become a pervasive cognitive ether that nearly everyone breathes in—more or less deeply."¹² Based on this, Callicott sees the ubiquity of science as "[inoculating] all other cultures with Western attitudes and values."¹³ Second, "[o]ne worldview may consistently comprehend more of human experience than another,"¹⁴ which the land ethic does (for Callicott). Third, "the scientific worldview is, therefore, epistemologically privileged—not because it and it alone is uniquely true but because it is self-consciously self-critical."¹⁵

Callicott's is a translational view because its core idea is that *the land ethic can interpret and evaluate all other ethics.* The land ethic is an epistemically privileged translator. Callicott focuses on Leopold's attitude toward the land as that which is needed for humans in the current global arrangements to understand how to sustain themselves on the planet. Leopold's take on this attitude represents a ground that gives non-tribal people a basis for understanding tribal people's ethics for (1) the sake of communicating with them and (2) promoting cooperative action toward addressing sustainability problems.

Critical thoughts

There are at least three challenges to the supposition that there is common ground between Leopold's and Indigenous North American ethics. The first concerns a difference in the meaning of how social ties are related to land. The second issue concerns the universality of the narrative Leopold gives for the ethical sequence toward a land ethic. The third issue concerns the degree of epistemological participation afforded Indigenous people if Leopold's positions are allowed to *create* the common ground between non-Indigenous and Indigenous ethics.

The first difference concerns the meaning of the relationship between land and social ties such as family structure and relations. Shilling shows, for example, that Leopold thought the land ethic must be part and parcel of the reformation of society, being instilled in education, cultural rituals, and family relations. But this is not necessarily the same as seeing land issues as immediately social issues. Consider the body of writings that Leopold wrote from his experiences restoring the now famous cabin in Wisconsin. The writing is almost exclusively about his first-hand experiences observing and learning from the land. From many tribal perspectives, this example is bizarre because we know that Leopold's weekend trips to the cabin were family

events. His wife and children all participated with him and they worked together toward improving the land. But how is it that the importance of family does not take center stage in Leopold's writings? How is it that he does not write about how much he learned from and about his wife and children, what they contributed to the cabin area, and how learning about the land was not an individual enterprise but a socio-epistemic experience based on communication and storytelling among them about their experiences each weekend?

In one sense, Leopold is very aware of the social aspects of land conservation, such as his advocacy of community-based cooperatives and the idea of a biotic community. We also know from the testimonies of his children how much of a family experience the time spent at the cabin was. But many tribal people will wonder why there is not a prominent role for his family relations in his writings about the land. Many Indigenous communities see sustainability as *always already* an intergenerational, family, and social ties issue. They do not see the land ethics as a *means* to the reformation of society. Rather, what non-Indigenous peoples see as initially social issues are, for many tribal peoples, obviously environmental issues. To claim, for example, that it is increasingly difficult to educate tribal youth *entails* that numerous possible environmental problems have or are occurring, from polluted water to soil erosion to climate fluctuations. Whether Leopold can be interpreted as understanding this is not the point. Rather, the point is that there may be fairly deep cultural and experiential differences in Indigenous and non-Indigenous environmentalists that will have to be worked out. Non-Indigenous environmentalists *really* cannot expect that statements to the effect that the land ethic is a means for social improvement will make much sense to tribal members, who may see a focus on *attitude toward the land* as obscuring the need to repair family, community, and tribal relations among living generations—and to build strong Indigenous nations able to meet the environmental challenges of the twenty-first century.

The second issue involves the narrative given by Leopold to explain the move towards a land ethic. Leopold's readers and most environmentalists are deeply familiar with this ethical sequence. According to the sequence, the first ethics concerns relations among individuals and later ethics concerns the relation between humans and society. Today, humans are evolving toward a third ethic: a moral relation to the land. Leopold wrote that "the land-relation is still strictly economic, entailing privileges but not obligations. . . . The extension of ethics to this third element in the human environment is...an evolutionary possibility and ecological necessity. . . . I regard the present conservation movement as the embryo of such an affirmation."¹⁶

How might tribal communities interpret some of Leopold's most powerful passages? The ethical sequence is more than an explanation of what motivates the conservation movement of Leopold's time. It is a social theory that only makes sense if we have in mind a particular interpretation of Euro-American history: the narrative of the progression of society from pre-industrial periods to industrial/colonial times to the environmental crises brought about by overproduction and overconsumption. The land ethic offers a vision that will redeem Euro-American people from the historical destruction of the environment that they have caused.

But many tribal peoples do not automatically have this redemptive vision because their own histories are not commensurable with that offered by Leopold. This is a profound difference. Would many tribal members accept this narrative as one for Euro-American societies? Perhaps. But that is not the point. It is not the history of many tribes. Building more sustainable tribal communities, as a large literature shows,

cannot be about tribes coming to see themselves within the histories of Euro-American, Leopoldian conservation. Here, my point is not to level a criticism against Leopold—that is, that he demonstrates his "Western" attitudes in some morally unacceptable way. Rather, it is to say that if Leopold's philosophy is to serve as part of a collective tribal and non-tribal pursuit of sustainability, then the basis must be *difference*, not similarity. Cooperation must turn on how to situate different histories in relation to each other and *not* how to fit one into the other. This throws into question the historical and translational views insofar as Leopold has a completely different history in mind than those of the people who may have influenced him or whose ethics can be interpreted and validated by Leopold's land ethic.

The third, and final, issue concerns the extent of epistemic participation by Indigenous populations when Leopold's positions are taken as a means for establishing a common ground. Robust epistemological participation concerns the degree to which reciprocal, epistemic dependence is fully appreciated and accommodated. For example, Callicott develops the point that there are multiple reasons why the land ethic should serve to translate other traditional environmental ethics: the integration of science already within many cultures, its self-critical nature, and its ability to explain the other ethics. The pressing issue here is not actually whether Callicott is correct about this. Rather, it concerns *who* gets to decide if he is correct; that is, who will be at the table for determining the criteria for correctness regarding the proper relationship between Leopold's land ethic and the many other ethics. As it stands, members of Indigenous peoples look to be epistemically dependent on Leopold, without a reciprocal epistemic dependence on members of Indigenous peoples. The historical view of Leopold can possibly address this downside insofar as it attributes Indigenous influence on Leopold's view. This acknowledgement alone does not ensure robust epistemological participation. As long as Leopold's positions are preemptively used to create a common ground without genuine consultation with Indigenous peoples, then the framework for cooperation does not include robust epistemological participation. This kind of epistemological frame can effectively silence the populations that it aims to include, and this would ultimately undermine the hopes that Callicott expressed for staving off colonizing Leopold upon Indigenous environmental ethics.

Non-Indigenous environmentalists who have made up their mind about the translational view and approach potential Indigenous collaborators will have already silenced them before dialogue has even begun. Callicott is right that Western science is widely accepted, an implication of which is that sustainable communities will in some way blend Western scientific expertise and the expertises of other systems of knowledge production. Contemporary Indigenous peoples are self-critical and have their own ideas about how to integrate Western science with their traditions. There is no reason why authority over how to blend traditions should be vested in Leopold's land ethic in advance. It is hard to see what the benefit to members of Indigenous peoples would be if tribal leaders suggested to their constituencies that their systems of knowledge production must be expressed and legitimized through a foreign land ethic, *especially one arising from a different experience of how land and society are entangled and that has a different historical narrative*. Though Callicott has good intentions, environmentalists who take his points too seriously will have a hard time avoiding procedural injustices against Indigenous North Americans. Procedural injustice is not a virtue of building sustainable communities. Members of Indigenous peoples simply will not be as captivated as non-

Indigenous people might be with the land ethic as the Rosetta stone for an inclusive environmentalism.

Against comparison, toward collaboration

Comparison has to be defended as a means of engaging in cooperative visioning of sustainable, multicultural communities. That is, the similarities expressed by comparison should not so easily be asserted as conversation starters for communities who must work together but who are divided historically and by the ravages of colonization, ignorance, and a host of other prejudices. Fortunately, comparison is not the only hope.

Simon Ortiz, in his presentations at the 2011 National Endowment for Humanities Summer Institute, which investigated the connections between Leopold's Land Ethic and contemporary ideas about sustainability, articulated a conception of sustainability that relies not on comparison, but on *collaboration* as a specific way of understanding behavior. For Ortiz, sustainability *means* collaboration. One of his examples of what collaboration means involves his own experiences as a first-language speaker of Keres who writes in English and who engages in many of his friendships and social relations, and perhaps even some family relations, in English.

For Ortiz, collaboration between Keres and English does *not* involve his finding similarities between English and Keres idioms. Instead, collaboration involves expressing oneself through honoring the differences and conflicts between both linguistic heritages. Keres is his first language; English is a second language he learned through a number of emotional experiences in his life, such as attending Indian school and experiencing discrimination, as well as more joyous experiences, such as love and friendship. As we know from his poetry and writings, his collaboration with English produces English unlike a typical English speaker's. Through his expression in English he honors Keres but also honors *critically* those experiences of English speaking which shaped his coming to English fluency. Moreover, some of the details of his collaboration with English are only detectable by first speakers of Keres. So it is not accurate to speak of Ortiz's dual heritage (historical view) or of his using Keres or English to translate one to the other (translation view). Rather, he sees himself as in constant collaboration with an English language whose history and heritage differ from and conflict with Keres.

Building sustainable communities inclusive of tribal and non-tribal people must take its cue from such a concept of collaboration. But tribes have faced the challenges of collaboration for many, many years. Non-tribal members have often *not* warmed to the idea of collaboration; indeed, many of those who enjoy Callicott's point on the global influence of the Western tradition do so at the tradeoff of something like, in keeping with Ortiz's analogy, habitualizing a monolingual dominance of English. Those who see Leopold as a powerful connector between tribal and non-tribal people must realize that we live in a colonial world, not a post-colonial one. Our histories are *not shared* and they *do conflict*; similarities are only on the surface. Collaborating *does not imply similarity*. Sustainable communities will be those where it is not taboo for anyone to claim publicly that Leopold missed the importance of family relations in his writings, that his ethical sequence is insufficient for justice to Indigenous histories, and that it is wrong to presume the primacy of Leopold over other ethics, even if the presumption is well-intentioned.¹⁷

Notes

1. Shilling, "Aldo Leopold Listens."
2. *Ibid.*, 3.
3. *Ibid.*, 3–8.
4. *Ibid.*, 9.

5. Leopold, "Conservation in the Southwest," 96.
6. Shilling, "Aldo Leopold Listens," 13.
7. *Ibid.*, 16.
8. Callicott, *Earth's Insights*, 186.
9. *Ibid.*, 187.
10. *Ibid.*, 188.
11. *Ibid.*, 189.
12. *Ibid.*, 187.
13. *Ibid.*, 189.
14. *Ibid.*, 190.
15. *Ibid.*, 191.
16. Leopold, *Sand County Almanac*.
17. I want to point the reader to Simon Ortiz's further ideas about language collaboration that extend beyond what I was able to cover here and that have implications for sustainability (Weaver et al. 2006). On this register, I would also point to the work of Jeannette Armstrong (Armstrong 1998).

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Risking Recognition: New Assessment Strategies for Environmental Justice and American Indian Communities

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In 2007, the Environmental Protection Agency (EPA) of Region 6, Office of Environmental Justice and Tribal Affairs, approached the University of North Texas (UNT) on behalf of the Ponca Tribe in Oklahoma with a request to assist in conducting a cumulative environmental risk assessment. Representatives from the Regional and National Office of Environmental Justice and Tribal Affairs, administrators and faculty of UNT, and representatives of the Ponca Tribe quickly established the Ponca Tribe Cumulative Risk Task Force to initiate a process that would explore the extent of the environmental trauma to health and culture posed by multiple, cumulative, and historical environmental burdens suffered by the community. The task force would ultimately number in over thirty researchers, tribal and non-tribal, and make proposals for two STAR grants to the EPA, in order to conduct their studies and meet the requests of the Ponca.

A cumulative risk assessment, sometimes called "holistic risk assessment,"¹ like the one proposed would take into account all three environmental categories of soil, water,

and air with qualitative data in toxicology and epidemiology *simultaneously* with the qualitative impacts to environmental heritage and traditional lifeways, as well as environmental identity and cultural survival of the community. This would be the most ambitious approach to extend the standards of EPA risk assessment to date, as previous successful cumulative risk assessments concentrated on single environmental categories and more specific stressors. The Ponca Tribe is confronted with multiple sources and industries, including a carbon black facility, a municipal landfill, sunken oil tanks from a former petrochemical plant, and downstream effluent from other petrochemical plants, all of which have invaded the air, soil (agriculture), and water of the Ponca Tribe at the White Eagle Community. The proposed cumulative risk assessment would take on all possible sites and environmental domains. From 2007 to 2009 the Ponca Tribe Cumulative Risk Task Force carved a path for the ambitious cumulative risk assessment, which ultimately received its ironic decline for support and funding from the EPA.² The irony is expressed on a variety of axes: the EPA initiated the process for the Ponca to join with UNT, and the EPA ultimately declined the project on grounds of the proposal's ambition, breadth, and overly opened communication—it lacked the strict top-down authority over the many contributors to the research, including the tribe. Regarding the irony of the project's ambition, the EPA requested that the task force apply for research monies using the EPA's Guidance for Cumulative Risk in a way that combines the three environmental sectors of soil, water, and air as no one had done prior only to decline the proposal for being overly ambitious. Perhaps the most solid axis, and the once I will concentrate on in this paper, is the very irony of scientific controversies built into the new paradigm of cumulative risk assessment. In this case, solid axis is represented in the EPA's request that the task force engage in *qualitative* metrics and assessments of impacts upon traditional lifeways only to consider methodology weak on *quantitative grounds*. If fairness is due to this description of the EPA's decline of the task force proposals, it could come by the fact that the EPA has funded other cumulative risk assessments with other tribes and presumably it continues to do so. Perhaps these were just poorly constructed proposals, but it is difficult to assess that benefit of the doubt due to at least three factors: (1) the EPA maintained consultation with the task force, (2) one of the science-policy experts who constructed the EPA manual on cumulative risk assessment was an involved advocate throughout the process, and (3) veteran researchers who had participated on other EPA grants to conduct cumulative risk assessment with other tribes were actually part of the broader task force membership to assist in reproducing successes through this proposal.

I consider this case in order to explore the insights and implications for environmental identity and environmental heritage as they pertain to environmental justice studies and related fields of environmental science and policy. The first part of this paper brings to light ways in which I mean "environmental heritage" and "environmental identity" as they pertain to environmental justice. I specifically consider these concepts under an environmental justice frame that emphasizes recognition justice. In order to give them a working, operational character, I consider the concepts of environmental identity and environmental heritage under the aspects of the task force's efforts to understand and work with the Ponca Tribe's struggle for environmental justice.

The formation of this task force launched a process requiring scientists, a broad range of scholars, (including philosophers), government officials, and tribal members to explore environmental burdens from the perspective of environmental heritage that placed environmental justice as

the centerpiece of the epistemological streams flowing from disciplines of toxicology, epidemiology, sociology, biology, geography, anthropology, philosophy, and religion studies that would converge with the situated and historical knowledge from the Ponca Tribe, specifically its elders, youths, and health officials. In the second part of the paper, I consider the ways in which I observed science and policy questions getting altered when these concepts played a central role. New questions of scientific normativity emerged as scientists added a care ethic into their motivation by virtue of the environmental justice frame. I am therefore using the direct experience of researchers bear witness to the complexities and seriousness of environmental justice collaborations. I conclude by addressing recognition struggles that that cumulative risk assessment unearths and considers the insights of scholars in cumulative risk theory in order to indicate that the continued development of this new paradigm in risk assessment will involve reconfiguring, indeed, transforming, the science-policy relationship. Whether my exploration and analysis of these issues are philosophically convincing or not, the point that must never be lost is the extent to which a people's environmental heritage has been bombarded by cultural and industrial colonization to the point of their very survival.

Recognizing environmental justice in the cumulative risk assessment

Over the past decade, the grand narrative of the environmental justice framework has expanded beyond the purely distributive justice account (if such a pure form ever did exist) to an account also emphasizing recognition justice. The expansion has clearly been made, traversing equity in the distribution and compensation for environmental burdens, especially on the poor, peoples of color, and Indigenous communities, to the far more robust account of participatory justice, which requires a much greater emphasis upon recognition justice. Within the recognition justice paradigm, community voices, activists, scholars, and policy makers have emphasized direct respect for situated epistemologies and local voices on matters of what constitutes appropriate inclusion: respect for history, heritage, and place, and alternative visions for ameliorating environmental injustices. It remains a convenient requirement to include an emphasis upon the distributive justice paradigm, especially regarding philosophical meanings of "fairness" and legal interpretations of harms and punishment, and it is nearly impossible to offer an appropriate definition of "environmental justice" without some framing of commensuration between environmental burdens and benefits, or the distributive inequities of such burdens.³ Thus, environmental justice, as I have argued since the late 1990s, is a "bivalent" form of justice, requiring both distributive and recognition justice bridged by participatory forms of procedural justice.⁴ Although the bivalent framing has its influences from Nancy Fraser, the dual-dimension call for recognition and distribution is a widely considered theoretical perspective from environmental justice scholars like Christian Hunold and Iris Young (1998), Devon Peña (2005), Luke Cole and Sheila Foster (2001), David Schlosberg (2007), and Kyle Powys Whyte (2010, 2011), and can even be seen in the participative language of Kristin Shrader-Frechette (2005). Even despite the fact that bivalence may still fail to reach the work of other philosophers,⁵ an extensive list of representatives could be made from other disciplines such as economics, revisionist history, critical geography, sociology, and legal studies.

Specific reasons for including the recognition paradigm vary according to specific theoretical architectures and historiographical conditions, but the explicit reasoning that is offered across the board is that conceptions of justice based solely in distribution and compensation are simply unable to

provide a full description or appropriate remedy for the extent of environmental injustices. This bivalence is particularly evident in claims by Indigenous peoples who require consideration of impacts upon the cultural and participatory features of justice unable to be resolved by a strictly distributive framework. For instance, Native philosopher Dale Turner (2006) devotes his volume to documenting numerous Indigenous writers who describe the fundamental aspects of the politics of recognition as part of the appropriate paradigm of justice. Identifying and repairing disparate distributive impacts according to a commonly shared human-environmental health metric is insufficient to *recognizing* both the community-specific losses that arise when traditional lifeways are dramatically disrupted and the need for solutions that flow from the community's decision-making agency. To reiterate, the most promising environmental justice framework is one that simultaneously addresses distributive and recognition justice, including the sub-categories of justice that fall under each of these paradigms. This bivalence permits a feedback loop for expanding notions of the distributive and recognition conditions for environmental justice, as well as shifting the content and perception of environmental burdens into a newly extended rubric that builds upon the rich anti-toxics and anti-hazards vein of environmental justice discourse. Land rights, trade-agreements, Indigenous struggles, traditional and transformative values, racial and ethnic identity formation, food security, bioprospecting, genetic engineering, gender and sexuality relations and identities, as well as commitments to rethinking the concepts, abuses, and relations to non-human moral subjects exemplify some of the arenas where environmental justice studies has effectively brought new insights and normative accounts.

In order to deepen respect for the centrality of recognition in environmental justice studies, I have come to depend upon the concepts of environmental identity and environmental heritage. As I have defined elsewhere, "*environmental identity* means the amalgamation of cultural identities, ways of life, and self-perceptions that are connected to a given group's physical environment. And, my use of *environmental heritage* pertains to the meanings and symbols of the past that frame values, practices, and places peoples wish to preserve as members of a community. Environmental heritage is the expression of an environmental identity in relation to the community viewed over time."⁶ Both environmental identity and environmental heritage are concepts that can work in and across scales—local, national, global, etc. These concepts are also unrestricted by ethnic identity, but they are most often interfused to cultural identities that track ethnic, historical, and other situation-specific identities. Indigenous environmental identity and heritage can be described and explored by virtue of the close, often inseparable, relationship that many Indigenous communities have between environmental and cultural values and practices. But this generalization description must also include both resistance against colonization and relocation and an emphasis upon self-determination and cultural survival against multiple threats that contribute to the environmental identity and heritage of Indigenous communities.

This expansion of environmental justice studies may hold promise for scholars in the related fields, but how might this translate to the experiences of those who are most threatened and those engaged in the science and policy domains—from where influential decisions tend to flow? If we look to general practices in risk assessment, especially concerning environmental justice dimensions, the science and policy can be quite antithetical to the pleas from the communities. The many criticisms to risk assessment have been fundamental to environmental justice literature and cases. Some of these include standard procedures for identifying stakeholders long

after the environmental threats have impacted communities; who and what criteria determines the stakeholders and thresholds of harm, the emphasis on harms and hazards that cause deaths and cancer rates instead of sustaining a healthy community and traditional lifeways, the lack of epidemiological data giving way to animal testing and singular toxicological analysis, decision making that follows from narrowed science from non-local pseudo-objective scientists and policy makers, etc. Environmental justice activists and scholars have pressed on these and many more failures in the dominance of an expert-oriented risk assessment paradigm in attempts to broaden the scientific perspectives and criticisms, increase the inclusion in decision-making procedures, and transform the approaches and presumptions of who and what is at risk.⁷ In order to address these many criticisms, a growing response has come from sympathetic parties both inside and outside of the risk assessment community to pursue the cumulative risk assessment strategy for studying environmental impacts, especially the impacts that relate to environmental justice and particularly for tribal communities.

The primary merits of the cumulative risk assessment trend is that quantitative *and* qualitative data are relevant, chemical *and* non-chemical stressors are relevant, and an exceptionally higher degree of legitimacy respects the inclusion and participation of the threatened community (both health and science officials from the community and the community members themselves). This shift to strengthen participatory inclusion of community members and their situated knowledge further realigns the ability to reframe the scientific approaches and assumptions based in procedural and policy habits, and exposes possibilities for unraveling hidden institutional tendencies that generate conflicts of interest between science and the corporate, institutional, and state authorities. The potential shifts in environmental science and policy under cumulative risk assessment have a direct relationship with the concepts of environmental identity and heritage.

In the case of the Ponca task force proposal for a cumulative risk assessment, recognition began with an early commitment to a more robust form of participatory parity. Stronger participation and leadership in the decision-making process was an item that the EPA sought from the task force members, and we pursued this through a variety of measures. The Ponca agreed to lead and be the ultimate decision-making voice for legitimating any studies, including subjects, content, and duration of any involved study. Interactions between decisions, research, science, and dissemination of information would be determined by the Advisory Board of the task force (two Ponca members, two non-Ponca researchers, and two EPA officials), but again led by the Ponca members. Part of the Ponca criteria for research legitimacy is that it needed to explicitly feed back into social benefits for the Ponca, for example, by employment of youth in information gathering techniques (especially gaining vital environmental heritage from elders in the community), inclusion of tribal scientists and health officials, and compensation for information and knowledge of contribution community members, especially the elders.

Environmental heritage, recognition, and transforming scientific normativity

Participatory recognition also required revising the range of questions the researchers were expected to address. For instance, non-chemical stressors needed to begin with environmental heritage; specifically, the historical legacy of tribal relocation, a legacy of land loss, and loss of esteem for families and individuals, all of which were considered to be possible aggravators, and hence aggregators, to the impacts by chemical stressors. The environmental science and policy

interpretations of the task force researchers also shifted in several ways and at differing levels directly resulting in the inclusion of environmental identity and environmental heritage. In this section, I describe two ways in which these shifts and insights could actually undermine the proposal's acceptance from the EPA. The first way is regarding the introduction of new concepts, such as environmental identity and environmental heritage. The second way expands upon the question of scientific legitimacy when qualitative assessment becomes central to the research.

First, the explicit use of the two concepts, environmental identity and environmental heritage, needed to be molded to the EPA grant proposal language and translated into risk assessment jargon. The use of terms like “non-chemical stressors” referred to cultural, historical, and social impacts; “traditional lifeways” referred to the environmental heritage and environmental identity of the tribal practices; and a host of terms signifying “resource use,” “practices,” “rites,” “culture,” and “holistic method,” etc., echoed the points that emphasize understandings of environmental heritage. Semantics is sometimes part of the funding game, and while the concepts may have been expressed in multiple terms, the multiple terms (mere jargon aside) can be viewed as communication that avoids a watering down of the concepts and offers specificity in the eyes of funding organizations and scientific agencies. Jaclyn Johnson and Darren Ranco have written a significant chapter on this process in a recent volume entitled *Technoscience and Environmental Justice: Expert Cultures* (2011). They point out that the conversion to specific terms such as those listed above are quite significant in recognizing the tribal concerns under the specific and favored cumulative risk paradigms; they specifically reference the “Health and Well-Being” model that emerged from the Tribal Science Council (2003). The extent to which the actual terminology of environmental heritage and identity found themselves into the task force proposal was notable in several sections, as was recognition language in the bivalent environmental justice vein. However, given Johnson and Ranco's observations that specific terminology, like “lifeways,” “holistic review,” and “culture,” is given favor in cumulative risk assessment review by the EPA, we were hesitant that “environmental heritage” would be seen by the EPA reviewers as too esoteric, under-defined (in their experience), or some kind of overly comprehensive term. Despite the increasing use of these concepts in environmental justice literature,⁸ a worry nonetheless remained that the use of these concepts could undermine the very manner in which the task force attempted to express and promote the Tribe's experiences and concerns. Thus, emphasizing an established, albeit *un*-official jargon regarding culture and tribal risk assessment, the specific talents of particular researchers who develop new terms and models to provide a richer assessment can possibly be undermined by the very elements of cumulative risk assessment that initially appear to be potentially promoting such innovations. Even if qualitative and cultural concepts are wanting in the holistic assessment, they still remain quite confined. Lack of recognition or the ability to define and describe one's experiences problematizes the extent to which recognition can be emphasized in risk assessment.

Consider a further example of this challenge. Discussions of environmental heritage required researchers to engage their own reorientation of values to align with tribal concerns of religious practices, land use practices, identity with the land, and adaptive strategies. And, for the projection of environmental heritage, since heritage is something that the present generation and community must assess to determine what will be brought to the future community members, we needed to reconceptualize the problems from surviving (in

the binary sense of health as either living or dying) to thriving (in the sense of capacity to aspire towards other senses of “health”). This shift is reflective of the Health and Well-Being model mentioned above. It opens risk assessment to include multiple discourses of health, such as community health, physical health, spiritual health, land health, cultural health, and the healthy relations with environmental relatives and non-human community. Significant to environmental justice is that recognition justice and robust participation are the only ways these epistemological considerations could make it into the research. There are still some major concerns that come along with the benefits gained by these new “health” models, the new scientific approaches, and the newly included forms of knowledge provided through recognition and legitimization by tribal determination. The Health and Well-Being model may also encounter problems as it enters the policy and science levels of risk assessment. Johnson and Ranco have noted that the EPA still ultimately steers which concepts of health are most relevant despite the claim that tribal interests determine how these or other concepts are to be understood. Thus, we see that environmental heritage discourse must include the culturally specific and useful jargon that the EPA finds most fitting, and its conceptions of health direct the ultimate success of a project under the EPA's funding domain.

My second major point is the issue of scientific legitimacy of qualitative assessments, but I will expand their insights into the recognition domain. Johnson and Ranco are correct in their observation that the very scientific legitimacy of the EPA itself comes under fire for engaging in culturally relevant science, exemplified by these qualitative domains of cumulative risk assessment. The innovative features of cumulative risk assessment that promote environmental justice, especially the recognition dimensions, divert from standard procedures and norms of science causing serious incongruities with the policy-science status quo and funding authorities. The worry that the science of risk assessment increasingly becomes culturally relevant by this cumulative risk trend is especially important for environmental justice because conflicts of interest between science, government, and corporations are the very kind of normative science, falsely claimed as objective and uninfluenced by a variety of non-scientific (political, economic, industry, etc.) interests that environmental justice activists and scholars have continually battled to expose. At the same time, the science that includes culturally relevant and historically pertinent information, as well as narratives that best express various schemes of experience and knowledge, can bring recognition and environmental justice into closer proximity. Thus, a major paradigm shift must occur in order to foster the legitimization of qualitative research, especially and ironically in the places where it gets bottlenecked between agencies like the EPA that requests and supports cumulative risk assessments on the one hand, and appears to simultaneously be the gate keeper of legitimate science in order to thwart backlash against culturally relevant scientific research. The shift cannot simply come from the agency that faces the bottleneck; it must come in the form of transformative experiences by the researchers themselves.

To further explore this challenge, I summarize four ways in which participatory recognition was invoked by the task force. Each of these could be targets of the scientific legitimacy problem. Each could be misperceived as invoking slippery scientific normativity into a system already trying to defend itself against charges of culturally relevant science. I list all four of these experiences that could foster the charge of under-objective research, but I will focus on the fourth item. It is the fourth item where concerns of culturally relevant science were uniquely turned inward upon the researchers and where I give

the most attention to the ways in which recognition justice disrupts standards of scientific normativity and promotes transformative features pertinent to environmental justice.

The task force changed some scientific considerations and modified some standard procedures by making environmental heritage and recognition central to the project in at least four ways:

1. As I mentioned earlier in this paper, scientists and researchers needed to engage with members of the Ponca Tribe and request permission, ask suggestions, and make themselves directly accountable to the tribe.
2. Toxicologists and epidemiologists needed to engage with both non-scientists and other academic fields to help make sense of what environmental justice entailed in these procedures. For instance, tribal members, philosophers, religious studies scholars, and social scientists needed to be a part of the conversation for understanding the ways that non-chemical stressors, environmental heritage, religious values, and the community were affected in consultation with the community.
3. Traditional ecological knowledge, environmental heritage, testimony, narrative, and experiences of the tribal members, especially the elders, needed to guide the scientific investigations. These non-standard epistemic forms would be exchanged by interviews and other interactions, but the expectation was that the tribal youth would be the mediators of these knowledge forms and narratives. Bringing the tribal youth in as the mediators for the elders suggested community cohesion and intergenerational exchanges would be a key benefit and outcome of this research. Among other benefits, this would promote the realization that environmental heritage is the transference of the past values to the visions and values of future agents (legatees).
4. The desire to keep the Ponca at the center of participatory recognition also forced a normative context into the science and policy discourses with a critical, single, driving question: “How does this help the Ponca?”

It is the way in which this question, “How does this help the Ponca?,” impacted the conscientious researchers and unveiled status quo scientific normativity that I want to explore in greater depth. This question actually pertains to each of the previous three considerations, but on its own it brought out a number of ethical concerns. A particular ethical sensitivity in this case stemmed from a conscientious awareness of trying to respect the Ponca’s negative heritage of being an overly studied and marginalized community. This negative heritage is typical to tribes who have seen anthropologists, researchers, prospectors, and solicitors come and go over generations, always in the guise of promoting the interests of the tribe. Our researchers were required to prove at every step in the process, in the research, and in the information dissemination that the assessment elements contributed to the Ponca’s interests above our own professional development, which is one of the key reasons for my reticence regarding this paper. Moreover, non-tribal researchers experienced the obvious fact that Ponca interests are not homogenous, which they very quickly learned when upon one invited visit to the Ponca’s White Eagle Community they arrived to find an intra-tribal conflict that restricted any non-tribal visitors and caused their meeting with the Ponca to be moved outside of White Eagle. These normative turns for the researchers and scientists forced the hand of any inadvertent

assumptions and unrealized normative agendas and placed at the forefront “who is the science good for?” Even in these exploratory stages of the research scientists worried about ways they should fulfill the normative requirements of the Ponca. To express the most basic ethical and conscientious worry from non-tribal researchers, the following simple question would suffice: “What if we find something the Ponca would not want to hear, such as the chemical stressors are within legal limits?” This consideration yields intriguing discussion for recognition issues in environmental justice.

First, for those who consider science and technology studies, revealing the normativity in science is nothing new and by now should not be a big surprise to scientists and other researchers. Sciences operate along their own normative conditions of ethical science, conditions attached to the defense and support of results, and the many policy and material influences that affect scientific knowledge. But the question concerning whether or not the Ponca would like the results brought these researchers to another level normative invasion: the researchers very early on began to care about the ways in which their chosen methods and conclusions could ultimately benefit or harm the Ponca. The preliminary meetings and conversations with members of the community meant that important and respectful relations with the community had already begun for these outside researchers, and such relations with the Ponca would hopefully deepen as work increased—specifically, work with tribal scientists and health officials, the tribal youth and elders, and even non-tribal residents in the region who were important for understanding how non-tribal people in the region were comparatively impacted by environmental burdens, despite the fact that such attention to non-Ponca for scientific comparison was often seen as an insult to the Ponca’s experiential legitimacy. The intimacy factor, while potentially worrisome to many scientists, had to be accepted as one of the critical innovations of this process. This would echo a host of environmental justice cases wherein scientists who are embedded or consistently interacting with the communities gain extensive advantages from information and local knowledge and experience that expand the available scientific hypotheses and conclusions.⁹

The relevance to environmental identity and heritage actually relates to the transformative aspects for the non-tribal researchers. The more interaction and time spent with the Ponca and tribal researchers means more time to share experiences and transform environmental identity. For instance, carbon black industry, petrochemical industry, and other industrial environmental burdens are actually potential benefits to the mainstream population. For the most part, we take these hazards for granted while others suffer the burdens, a basic premise of environmental justice. Now, it may be true that while these particular non-tribal researchers are not the direct beneficiaries of these industries, the important point about who bears the burdens and who potentially enjoys the benefits is immediately and shockingly made apparent to the concerned visitor. Furthermore, we learned that the environmental experiences and values that the Ponca share could very well transform consciousness or the very environmental identity of the scientists through accounts of agricultural knowledge, spiritual beliefs, situated experience, and historical accounts. The environmental identity of non-Ponca will be challenged and hopefully transformed in this process. The simple question “What if we find something the Ponca don’t want to hear?” is itself a presumption that requires transformation in the context of environmental justice. While ethically sensitive, and a conundrum in itself, perhaps the more important question the scientists and other researchers should have been asking themselves is: “What if the scientific results echoed

what the Ponca intuitively and experientially know about the environmental burdens and their health impacts, but the policy makers did not ultimately respond effectively to the task force results and recommendations?” Could researchers sit idly by, or would they be pulled further into the Ponca’s plight? This is perhaps the true tone of the burden of researchers; are they morally invested in the research at the appropriate magnitude of concern? Moreover, what if the researchers failed to secure the grant money they needed to conduct the research—where then would their ethical sensitivities lead? And, quite frankly, the Ponca raised the correct tone in this case because the failed funding venture ultimately caused researchers to take their failures back home with them to live their lives without the traumas to eco-cultural existence that the Ponca face daily and have for generations now. This is not to say that none of the more than thirty members of the task force went on to continue their respective individual research ventures with the Ponca, or even other tribes for that matter, but the task force as such has disbanded for the time being.

The question of research yielding what the Ponca wanted to hear is actually disingenuous to environmental justice, and especially the recognition aspects of the cumulative risk assessment. In terms of non-chemical stressors, the Ponca’s experience and the disruption to their environmental heritage is articulated by the authority of the Ponca themselves. Researchers can only conduct studies and design metrics that confirm and translate these impacts to other researchers and policy makers. But it only takes a few conversations with a few elders to be convinced that traditional lifeways, cultural sustainability, environmental heritage, and social stability are directly impacted and deteriorating from the chemical stressors, and certainly the presences of the environmental burdens. We learned how sweat lodges were impacted by the water quality, how traditional clothes and moccasins that were ritually white were covered in black particulates from the local carbon black facility fallout, and we learned how organic farming methods could not be marketed as such because the agriculture was within an official boundary of hazardous facilities that the Food and Drug Administration renders unqualified for “organic” designation. As a further example, here is just one common account we included in the Ponca Cumulative Risk Assessment Task Force proposal for the STAR grant program in the EPA. It comes out of several conversations with Ponca contributors to the task force and elders who met with us:

The Ponca tell each generation about how their Trail of Tears ended at a location where their ancestors found a place that reminded them of the sacred burial grounds left behind in Nebraska. The location occupied the highest point in the area, and overlooked the confluence of two rivers—a scene that reminded them of home and allowed a critical part of their heritage to be sustained. Tribal members explain that they are averaging 50 burials per year, or about one per week, and spend a considerable amount of time at the site. But, the recently deceased family members who share this sacred ground with their ancestors who died as a result of a forced march to Indian Territory are overshadowed by a municipal waste site only a stone’s throw away. Part of sustaining the heritage of the burial grounds is the traditional emphasis upon the height of the burial ground land relative to the living Ponca community. The mound of non-tribal trash now extends over many acres and 30 to 40 feet higher than the burial grounds themselves. Furthermore, there is only one road to the burial ground which is the same road used by trash trucks to haul their daily loads to

landfill. Indeed, garbage trucks have become part of a funeral processions, knowingly or not, casting even more sorrow on the ceremonies and greater insult to their community. Burial rites often occur with the constant sounds of “beep, beep, beep” as heavy equipment backs up to move trash and dirt.¹⁰

Members of the Ponca task force, its steering committee, and its advisory board have listened to elders explain these and other types of insults to their culture and lifeways, and focused their proposed research plan to specifically address issues such as these that are most significant to the tribe. Thus, scientists and researchers were indeed caught up in the tangles of normativity common to environmental justice cases, and I have been pointing out that cumulative risk assessment actually promotes this transformation which undermines the scientific normativity couched in status quo assumptions. The non-chemical stressor science is therefore working to articulate what is happening by Ponca accounts, and it would be exceptionally difficult to find science that would reveal some false consciousness on behalf of the Ponca. The point is not to worry about whether or not environmental sciences confirm what Ponca believe, but what is going on in the science that misses the point? This only gets us back to criticizing risk assessment again, which reflects the whole set of reasons for why cumulative risk assessment has been introduced and even successfully conducted by other research teams.

Closing thoughts

Cumulative risk assessment is shaped in many ways. The one aspect of our research is relevant to the model I have been alluding, the Health and Well-Being model generated by the Tribal Science Council. The critical element that I see in both the general notion of cumulative risk assessment under an environmental justice frame and the Health and Well-Being model is the correct pitch of recognition justice in the knowledge gathering and production processes. Referencing Johnson and Ranco’s account once again, they argue that the emphasis on the autonomy and self-determination of tribal meanings of risk and models for putting the environmental threats together in cultural, scientific, and experiential forms go dramatically under-recognized because the liberal state agencies, such as the EPA are uncomfortable with the prospect of a heterogenous environmental science and policy. The legitimacy of the state institution rests on homogenous methods and lenses. Johnson and Ranco seem to be right about this and their emphasis on the recognition justice is the right place to unearth the problem of cumulative risk assessment, especially for tribal communities. The conclusion they draw is that the policy influence of the liberal state needs to undergo the paradigm shift in order to make the cumulative or holistic risk assessment work. In my exploration with the Ponca task force, I concede the conclusion of Johnson and Ranco, but my observation is that the scientists are poised to make the move towards culturally relevant science, normative dimensions that effect environmental justice, and even transformations in environmental identity. Gwen Ottinger proposes frontloading environmental justice education into a transformative process by assigning our budding scientists service learning experiences that promote earlier opportunities for the transformation in the expert’s identity before they become embedded and complacent in the norms of their profession.¹¹ This is a promising proposal because it transforms the role of the expert and promotes advocacy through science without compromising the legitimacy of science. Although it took two years to make the necessary connections for the scientists and researchers to prepare for the questions and methods needed to comprehend and address the Ponca concerns,

the community of researchers was ready upon their proposal and truly did recognize Ponca autonomy and leadership in the process. Indeed, the policy level of science at the EPA observed the ambitiousness of the project was respectfully scientifically complex and heterogeneous in its recognition of the Ponca interests; but it was the very heterogeneous hierarchies between Ponca direction and non-Ponca direction that worried the EPA evaluators. Just who is in charge? Ottinger anticipates this problem with a metaphor for experts from orchestra leaders to jazz musicians, which offers some insights about the presumptions of authority in the scientific communities. Still, what we may be frontloading into the education of budding experts is yet unrealized by the current leaders and science-policy decision makers. As recognition and robust participatory environmental justice requires the transformation of the hierarchies, it's no wonder the EPA lags in the nuances of cumulative risk advances despite the fact that the EPA has a working agenda for environmental justice and tribal affairs and has funded other cumulative risk assessments. Therefore, the paradigm shifts required for effective cumulative risk assessment may actually place the promise with the EPA's tribal affairs aspect of their offices of environmental justice. Until tribal environmental heritage and recognition can work in this new paradigm within the EPA, it would appear impossible that other environmental heritage collectives—intergenerational black farmers, Appalachian miners, Latino/a farmworkers—will be recognized in the cumulative risk arena.

Notes

1. Arquette et al., "Holistic Risk-Based Environmental Decision-Making."
2. Ever since a version of this paper was presented at a meeting of the American Philosophical Association in April 2011, I have been extremely reticent about submitting it for publication. The committee requested it for inclusion in this newsletter when it was presented and other exceptional journals have also requested it for special issues on the philosophy of indigenous environmental justice. My reticence remains as I am cognizant that the Ponca Tribe struggles for its survival against extraordinary health and mortality issues as a result of multiple environmental burdens and unending political marginalization. I have a great sensitivity to the fact that this paper conveys the experiences of the Ponca's struggle for survival, especially in the wake of the efforts and ultimate failure of the task force to effectively assist the Ponca Tribe in addressing these environmental traumas. In the face of my reticence I worry that publishing this paper would be perceived as a further exploitation of the Ponca's struggles, especially by scholars. In order to honor the Committee on the Status of Indigenous Philosophers' request I can only hope that this paper will bring attention to the Ponca's dire health, environmental, and cultural struggles which are of course inseparable. Perhaps this paper will offer scholars, environmental justice advocates, activists, and policy makers a chance or direction to assist the Ponca where our task force has tragically failed. I have intentionally omitted names of tribal members, as well as specific names of the many colleagues working on this project, simply because this is a singular account of the process and experience, and I cannot speak for the nuances and perceptions or frustrations and struggles of anyone else.
3. Bryant, *Environmental Justice*; Bullard, *Dumping on Dixie*; Figueroa, "Bivalent Environmental Justice," Figueroa, "Environmental Justice"; Jamieson, "Global Environmental Justice"; Schlosberg, *Defining Environmental Justice*; Shrader-Frechette, *Environmental Justice*; United Church of Christ, *Toxic Wastes*.
4. Figueroa, "Bivalent Environmental Justice."
5. For example, Wenz, "Just Garbage."

6. Figueroa, "Evaluating Environmental Justice Claims," 371–72.
7. Shrader-Frechette, *Environmental Justice*; Tesh, *Uncertain Hazards*.
8. Figueroa, "Indigenous Populations"; Utsler, "Who Am I?"; Whyte, "Recognition Dimensions of Environmental Justice."
9. Gibbs, *Love Canal*; Gottlieb, *Forcing the Spring*.
10. S. Atkinson et al., "Evaluating the Combined Effects of Chemical and Non-chemical Stressors on the Ponca Tribe of Oklahoma," 21–22.
11. Ottinger, "Rupturing Engineering Education."

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PRESENTATIONS FROM SESSION II AT THE 2011 APA CENTRAL DIVISION MEETING

American Indians and Philosophy: A Response to Vine Deloria

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I am afraid to publish
to put my voice to print
cause the voice you hear
may not be the voice
I'm really speaking
if you don't know me
then how
can you hear my voice,
with words
filled with your perception
if you don't know me
then how
can you see beyond the printed marks
and if you don't know me
how can you
be sure you heard my voice?

Ever since the idea of Native philosophy first appeared on the intellectual scene, problems have arisen concerning its legitimacy. What is Native philosophy? Who has the right to engage in Native philosophy? Thus, the early attempts to engage in philosophical discourse were plagued with insecurities driven by a need to prove legitimacy. On one hand there was firm belief that Native philosophy would be rejected by the mainstream because of the misperception fostered by the stereotype that "Indigenous peoples and the 'wilderness' together are seen as dangerous and non-rational."¹ Therefore, how could these peoples have or articulate anything as sophisticated

as philosophy, which has had years to evolve into the highly complicated method of dialogue that we use today? This form of argument reminds me of a criticism levied against an art show back in 1991 when a critic for the *Globe and Mail* criticized the AGO (Art Gallery of Ontario) for mounting an exhibit of Inuit art. He was of the belief that since art galleries themselves were part of a thousand-year-old tradition of European art, and Inuit art was part of a tradition that had no art galleries, such non-European art, while cute in and of itself, should not be shown in regular art galleries. Simply because art galleries and Western philosophy have centuries of experienced tradition does not make them the only viable means for presenting art or philosophy. Simply because one has not seen Inuit art or heard Native philosophy articulated does not mean it does not exist. Nor was Forbes alone in criticizing how Native philosophy would be discarded from a Western perspective. Inuit legal scholar Gordon Christie and the late Vine Deloria Jr. also explain why Native philosophy would run counter to Western ideas of legitimate philosophy or philosophical discourse, all of which is rather disheartening for an aspiring Aboriginal philosopher.²

It is one thing to be trapped in an endless debate about the legitimacy of Native philosophy with Western thinkers but quite another to be caught arguing both legitimacy and the authenticity of Native philosophy when the protagonist is a Native person; however, that is precisely what this paper will do.

For those of us who have invested years in the study of Native American philosophy, Deloria lays out a rather confusing claim that "there is no philosophy of American Indians apart from the concrete actions of people in a well-defined physical setting."³ I am fairly certain he was not referring to the action of engaging in philosophical debate within the academy; therefore, it must have something to do with "the well-defined setting" and a different understanding of what "action" entails. At first blush I thought by action he meant lived life, which is what others have claimed Native philosophy to be. But as we will see later he is referring to the action of "experience." As for well-defined setting I suspect he is referring to a "traditional setting," which becomes extremely problematic for urban-raised Natives, not to mention residential school experiences.

Indeed, he explains: "When American Indians now come before professional philosophers and request entrance into this professional field, the vast majority of the petitioners will have virtually no experiences of the old traditional kind."⁴ My translation: with no experience of the old, traditional kind there can be no knowledge of the old ways; therefore, any philosophy would not include knowledge of the old ways. That would certainly explain his claim that most of us approach Native philosophy from the same starting place as non-Native peoples since we clearly have no experience of the old, traditional way of Indian life.

I am sure Deloria is not referring to living in tepees, hunting buffalo, or any other hunting and gathering experience, so he must be referring to sacred knowledge. If so, then as he clearly points out most of us are not in receipt of it given the past one hundred years or so of alternative education. Yet, if Deloria is correct everything we as Native philosophers write or say about philosophy would be the same as that of non-Aboriginals. This unfortunately could leave us stranded in an endless authenticity debate, which is exactly what occurred several years ago.

Surely Deloria must be wrong? Indeed, when he claims, "there is no philosophy of American Indians apart from the concrete actions of people," I question his meaning. If he means actually experiencing our world then he is wrong because each and every one of us experiences the world and we do so in a "well-defined physical setting." Therefore, each and every one of us would be philosophers, even if those settings no longer

consist of tepees, wigwams, or sweat lodges. How we come to explain those experiences would undoubtedly differ depending on our perceptions of these particular experiences, and that would be equally true in 1492 as in 2010.

Yet I believe Deloria was claiming specialized sacred information as the only true source of Native philosophy and culture and that, with our present experiences stemming from colonization, we have obviously lost that knowledge. And even for those who do have knowledge of the “Sacred” it is understood that some knowledge is not up for grabs.⁵ My argument with Deloria, however, increased when he claimed, “Indian elders and holy people did a great deal of speculation but it was regarded as a pastime, reflecting on experience, and did not substitute for the experience itself.” Somehow I am again reminded of the earlier Inuit art critique: “cute” but has no place in a “real” art gallery. Here Deloria is claiming reflection as a pastime, and in the process he minimizes the act of reflection (a significant action in Western philosophy). I would argue that those reflecting elders were in the process of constructing our philosophical world and, yes, they did it from their experiences, not all of which were sacred in nature. Deloria argues that all knowledge must begin with experience and, further, that all conclusions must be verified easily in the empirical world. He criticizes Western thinkers for relying on rational/mental fixation with truth, yet he presents his own truth argument, that of experience, which is strangely reminiscent of an argument that has been around for centuries; however, in the past we called it empiricism, and thinkers were called empiricists rather than elders.

I completely agree with Deloria that experience is the basis of knowledge; however, knowledge was usually transmitted through stories, not philosophical arguments. Embedded in the stories was our philosophical picture of the world, which came from reflecting on the world around us. We did not use words like philosophy, ontology, metaphysics, and epistemology because they were not part of our languages; however, now that we have the words we use them. We are still telling stories, we are just using a different language and set of tools to tell them.

In the not-so-distant past our picture of the world was reduced to legend and demeaned as myth. We had a method for transmitting knowledge, but scholars insist on reducing that method to oral tradition in spite of our years of written words and excellent scholarship. We also had a picture of reality that early scholars likened to primitivism. No wonder Jack Forbes would write about a misconception concerning Native philosophy that stems from the stereotype that “Indigenous peoples and the ‘wilderness’ together are seen as dangerous and nonrational,”⁶ and Deloria would disclaim any connection, similarity, or relationship to Western thinkers.

While we did and still have philosophy, what we did not have until recently were trained scholars willing to tell new stories to academia to challenge the myth of elitism in philosophy and to engage philosophers on their own level. Deloria not only believed that Native people would be dismissed as “philosophers” but that we could not communicate effectively: “[t]he fundamental factor that keeps Indians and non-Indians from communicating is they are speaking about two entirely different perceptions of the world.” He argues that “in the white man’s world knowledge is a matter of memorizing theories, dates, lists of kings and presidents, the table of chemical elements, and many other things not encountered in the course of a day’s work.” Therefore, “knowledge seems to be divorced from experience,” whereas for the Indian “concrete actions” and verifiable experiences in an empirical world seems a more appropriate way to explain where knowledge comes from.⁷

Yet he argues, “in a more concrete sense if an Indian tells another Indian that he or she has seen a ghost, describes the experience, and asks for advice, he or she is taken to be a serious person with a serious problem.”⁸ He argues that the same is not the case for the non-Indian: “Scientists will give the person a suspicious look and recommend a psychiatrist. The priest or minister will take great pains to reassure the person that he or she in fact *did not* see a ghost. The average listener may or may not believe the person depending upon the listener’s orientation toward the supernatural.”⁹

According to Deloria, “therein lies the difference. The Indian confronts the reality of the experience, and while he or she may not make immediate sense of it, it is not rejected as an invalid experience. In the Indian world, experience is not limited by mental considerations and assumptions regarding the universe.”¹⁰ But here Deloria assumes the opposite is true for the white world: that reality amounts to what whites allow their minds to accept, not what they experience. Yet, though the experience may not be dismissed as invalid, the Indian does want to know what the experience means. So even the Indian is looking for meaning in the experience, and although Deloria thinks reflecting on experience does not substitute for the experience itself, reflection is necessary to understanding the experience. Only in understanding experiences can we learn how to walk in this world. Therefore, experience in and of itself is not enough; we also need to reflect on the experience, and that implies analyzing all of the constituent parts of the experience. Analysis does not necessarily mean discarding some pieces of the information. Indeed, analysis should lead to the appreciation of the vast amounts of information necessary to make sense of an experience. Thus, even for Deloria, simply the presence of a ghost is not enough for understanding, but he was cognizant of the need for synthesis of vast amounts of information. It was something else he criticized: “people seemed incapable of relating a great many ideas in one comprehensive interpretation.”¹¹ Many other bits of information would be required to make sense of the experience, and all these bits of information are turned over and over in the mind. And though some scientists, religious practitioners, and individuals would discard the idea of a ghost, many would accept the experience and have their own interpretations of why the event occurred. Those interpretations must also belong to a world that reflects, analyzes, and comes to conclusions—conclusions that also stem from the original experience of having seen a ghost. Critical thought demands that we reflect, analyze, and explore multiple meanings. Is this any different from philosophizing?

For centuries philosophers have debated the place of experience in relation to knowledge. Locke’s theory of *tabula rasa* certainly hinted at experience as a necessary precondition for knowledge. I think Husserl’s recognition that all knowledge comes from the life world has some commonality with Deloria. For Husserl the ability to reflect upon our experiences sounds a lot like Deloria’s elders reflecting upon their experiences. In both cases reflection could not occur without the experience to reflect upon.

Regardless of whether we agree with Deloria, the fact remains that he appears to limit philosophy to experience for the Indian, and to the mind and what the mind perceives as real for the Western thinker.

His critique presupposes that the only acceptable form of philosophizing is one that is purely rational and can arise only from the mental application of thought, not through experience, and is definitely not verifiable in the empirical world. Yet, I am not sure how even Deloria would verify the existence of the ghost—the experience of having seen one, yes, but not its

existence. So when it comes to understanding the event, or knowing how to act in relation to the event, we might also be ascribing reality to what we let our minds believe. And what we let our minds believe may very well come from our own societal narrative; however, it may also come from someone else's narrative. If that is the case then we need philosophers. It is also a mistake to assume that Native philosophers cannot be rational thinkers. Deloria erroneously reduces philosophy to analytics or idealism. This is unfair to the vast number of scholars who oppose idealism or the numerous other strains of philosophical discourse, for example, feminism's assertion of the right to engage philosophically a world previously owned by men; phenomenology's study of structures of consciousness as experienced from the first-person point of view;¹² existentialism's search and journey for true self and true personal meaning in life.

To ignore the many paths philosophy takes is no less distorting than to imagine one kind of philosophy for Native peoples. While some thinkers might argue for the mind as the sole means to acquire knowledge, not all philosophers, Native or not, subscribe to that theory.

Many Native peoples believe (or at least did believe) in the reality of the dream experience. The dream was recognized as a very real experience, and what is a dream if not a mental experience? It is not a physical, sensory experience like we have in the natural world, yet it is still as valid an experience as Deloria's ghost. Therefore, it would seem likely that there are Native philosophers out there who would like to pursue the dream as reality, and they would be in good company with other philosophers who study the mind. Maybe they have something to contribute to the dialogue and maybe they do not, but we will never know if all we do is explore our world as it relates or does not relate to the colonizers. We need to take the leap into a new life process.

I understand philosophy to be a life process, an action of coming to understandings and acting upon those understandings. Native elders, Deloria says, did not substitute experience for reflecting upon experience, or use that same reflection in their stories and advice to others, as Western thinkers do when they reflect upon their own experiences (only for them we substitute the word reflection for philosophizing). While Native thinkers might use their reflections as a source for moral living ("what is the right road for humans to walk?"), philosophers articulate the results of their reflections on paper, and, for many, those reflections also relate to the question, "what is the right road for humans to walk?" Questions about the right road to walk have been foundational to many philosophical dialogues dating back to Socrates, Plato, and Aristotle.

Notes

1. Jack D. Forbes, "Nature and Culture: Problematic Concepts for Native Americans," *Ayaangwaamizin: The International Journal of Indigenous Philosophy* 1, no. 2 (Winter 1997): 7.
2. Gordon Christie, "How One Might Think about How to Think about Approaching the Project of Articulating a Native Philosophy," in *Indigenous Learning Proceedings from the First Biennial Aboriginal Peoples Conference, October 14–16, 1994*, eds. Sylvia O'Meara and Douglas A. West (Thunder Bay, Ontario: Aboriginal Resource and Research Centre, Lakehead University), 159. See also Vine Deloria, *The Metaphysics of Modern Existence* (San Francisco: Harper and Row), 1979.
3. Vine Deloria Jr., "Philosophy and the Tribal Peoples," in *American Indian Thought*, ed. Anne Waters (Malden, MA: Blackwell Publishing, 2004), 11.
4. Ibid.
5. Brian Yazzie Burkhart, "What Coyote and Thales Can Teach Us," *American Indian Thought*, ed. Anne Waters (Malden, MA: Blackwell Publishing, 2004), 15–26.
6. Forbes, "Nature and Culture," 7.
7. Deloria, *The Metaphysics of Modern Existence*, vii.
8. Ibid., x.
9. Ibid.
10. Ibid.
11. Ibid.
12. David Woodruff Smith, "Phenomenology," *Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta. (Fall 2011). Accessed May 6, 2013. <http://plato.stanford.edu/archives/fall2011/entries/phenomenology/>.

Responsibilities versus Rights: Vine Deloria Jr. and Environmental Justice

Luan Fauteck Makes Marks

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Joy Harjo described Vine Deloria Jr. as "a philosopher with a heart for justice."¹ He also had a heart for American Indian lands and peoples. The philosophic core of his lifetime of work contained his heartfelt desire for justice for them as well as a critical aim at whomever and whatever countered that justice. It was a long shot; he focused on how to "call upon a more universal sense of justice than the world can presently sustain or fulfill."² But with accuracy and without hesitation, he wrote on numerous cultural institutions of the United States, including philosophy, religion, law, politics, and government.

The recurring, complimentary, and sometimes opposing themes of responsibilities and rights pervaded Deloria's writing from early on. These were interwoven with the related themes of justice, morality, duty, ethics, and the failures of Western cultural institutions to promote all of them. In a 2001 interview about sacred lands for the documentary, *In the Light of Reverence*, Deloria stated an essential aspect of his thought: "The basic problem is that American society is a 'rights society', not a 'responsibilities society'."

On responsibilities

Deloria looked at responsibilities and rights through a wide and diverse scope. Responsibility existed for Christians to convert non-Christians, for government to uphold treaties with tribes, for tribes to determine their own membership, for mixed bloods to work for American Indians' well-being, and for Deloria himself to be aggressive regarding Indian rights.³ He also referred to the real responsibility for the demise of the buffalo herds, to accepting responsibility for current and future sins toward American Indians, to responsibility for at least humane treatment of one another, to the responsibility and failures of science, religion, and politics to bring wisdom to Western culture, and to the responsibility that white men have avoided to the Earth. Unless mankind is responsible, he said, "we really have no future."⁴

Responsibility was an integral part of traditional tribal life. Per Deloria, "ethics flow from the ongoing life of the community."⁵ Responsibility was found and formed by tribal families, in stories, through religious experiences, in covenants with other forms of life, and in the obligations demanded by the spirits, and by the land.⁶

Although human personality was derived from accepting responsibility to society, and even though duty was primary, the autonomous individual did not truly exist in tribal society. Deloria argued that in order to rectify the contemporary emphasis on individual choice, the morality of the community must be emphasized: "By dropping the pretense that choices and moral

responsibilities are the primary province of the individual, we can change the focus of attention back to the moral community once again.”⁷

American Indians often have a name that refers to their people, for example, *Navajo*. When these American Indians speak of themselves, they will call themselves *Navajo*. Their tribal name refers to their language; they speak *Navajo*. In some cases that name may also be applied to their lands: *Navajo*. Per Joshua Rievman, these lands may represent the presence of the sacred to them, and in this case, can represent deities “of the highest order.”⁸ Quoting the *Wilson v. Block* case,⁹ Rievman asserted, “[The Navajos] believe the [San Francisco] Peaks to be the home of specific deities and consider the Peaks to be the body of a spiritual being or god, with various peaks forming the head, shoulders, and knees of a body reclining and facing to the east, while the trees, plants, rocks and earth form the skin.”¹⁰

In this example of *Navajo* is the rich and normative contextuality of individual, family, language, lands, and the sacred. The word *Navajo* contains them, and all of these literally form the ethos of the *Navajo* community. Rievman indicated that “the link between tribal religious life and tribal social structure [is] inextricable. Indeed, in bringing claims under the free exercise clause, Indian plaintiffs often assert that the loss of spiritual life will result in the destruction of the tribe’s very social fabric.”¹¹

On rights

The meaning of right could be that of *right and wrong*. Deloria weighed injustice as follows: “The motivation for injustices past was the strongly held belief of non-Indians that they were given the divine command to civilize the peoples of the earth. In short, they did it because they thought they were right.”¹²

Interpreting comments from Thomas Jefferson, Deloria asserted American Indians’ moral sense as knowing right from wrong. Their “role has been to change the American conception of a society from that of a complex of laws designed to protect property to one in which liberty is not a matter of laws, coercive power, or a shadow of government but is characterized by manners and moral sense of right and wrong.”¹³

Often rights were wrongs: the rights and privileges of the white man “to use whatever he wanted and however he wanted to use it”; the rights of the Nazis in Germany and archeologists to use human beings and their remains; the rights of an expanding technology to force others to accept its values; and the trampled rights, including treaty rights and religious rights, of Indians.¹⁴ Rights were misunderstood by tribal governments, and they are very little known to the tribal family.¹⁵ Deloria consistently made the point that “Sioux society was built upon the allocation of duties and responsibilities rather than the recognition of ‘rights’.”¹⁶

Although legal rights are essential, they are frequently implemented as last-ditch or stop-gap measures to provide for legal access to justice in cases of oppression and wrongs. Deloria also called rights “a limitation of man’s experience and not . . . guides to intelligent activity.”¹⁷ Responsibilities anticipate the need for justice. They have ensued from a properly developed social ethos to maintain harmony and balance in advance, so that there is little or no need to seek institutionalized rights or justice for redress.

Rights have been determined and defined in the United States by the Constitution and its Bill of Rights and in its courts of law. Rights for Indians have often been undetermined or undermined. Jace Weaver indicated that within the court system, out of fifty cases brought in the federal courts regarding sacred sites and religious freedom up to 1997, “[N]atives have

lost in all fifty instances.”¹⁸ Justice for American Indian sacred places and religions is justice just not done.

Indigenous rights to their lands, territories, and resources were declared by the United Nations General Assembly on September 13, 2007, in the United Nations Declaration on the Rights of Indigenous Peoples.¹⁹ Ecuador incorporated the rights of Pachamama, Mother Earth, into their constitution in 2008.²⁰ Evo Morales Ayma, the President of Bolivia, asserted the rights of Mother Earth at the [World People’s Conference on Climate Change and the Rights of Mother Earth](#) in 2010.²¹ However, there has been little evolution of rights for American Indian lands, territories, resources, and sacred places in the United States. Mother Earth doesn’t have rights before the law; trees can stand, but they don’t have standing—the right to sue—in the courts.²²

The importance of families

The traditional American Indian idea of the seventh generation, to consider the impact of our decisions on the seventh generation yet to come, is temporal and spatial, responsibility through time and space. Deloria described the dynamics of the seventh generation in actual practice: “[A] person must therefore act so that their great grandparents would not be ashamed of what they were doing in the present and so that their great grandchildren could point with pride at what their ancestors had done.” This idea was anchored for Deloria in the “multi-generational, complex-kinship system” of his Sioux culture that “actively emphasize[s] cooperation and concern,” both vertically through multiple generations and horizontally in one’s own generation.²³

Deloria was familiar with the themes of responsibilities and rights from his studies in religion and law. But he came to them in the truly familiar way. He wrote, “I have never been able to escape my background as the son and grandson of missionaries mixed with chiefs and political leaders of long ago.” So his writings were “all the product of a continuing conviction that there were values above the political that must nevertheless be expressed in political terms.”²⁴ When he analyzed Carl Jung’s writing, he told his son, “You’ll see that like our family, Jung had a set of clergymen in his past. Like us, he sometimes wondered if he were answering questions posed by his ancestors’.”²⁵

Like the Delorias and Jung, I also come from a family of clergymen. I can testify that enhanced concern for responsibility, justice, and the sacred was part of their ethos. These concerns are grounded in people and place, and I carry some of their stories with me.

My maternal great, great grandfather, Reverend Nehemiah Evitt, was mixed blood, born in 1836 in Ooltewah, Tennessee. His daughter Cora married the Reverend William Rudicil Williams, a mixed blood from Chatooga County, Georgia. One of their daughters, Theresa, married the Reverend Marshall Lucien Crowder, and another daughter, Lillian, my grandmother, married my grandfather, John D. Morrison, a mixed blood from Tennessee, Illinois, and later Oklahoma, who was the son of the Reverend Rufus Adlai Morrison, the brother of Reverend Samuel Bartlett Morrison, and the grandson of Reverend William Thomas Williams, who was born in Kentucky in 1810. William Thomas Williams was descended from the brother of the Reverend, and later Governor, Roger Williams, founder of Rhode Island, who fought for religious rights, the equality of Indians, and the separation of church and state in the colonies. My grandchildren, who are Nehemiah Evitt’s and William Thomas Williams’ seventh generation, will hopefully know that they can carry a solid legacy to their own seventh generations.

The idea of the seventh generations and their stories is extraordinarily meaningful. However, it is not just an idea, it is a fundamental reality. Because I know some of my people’s

stories, I know who my people were and are and what they believed in. I know where I come from and who I am because of them. I recognize in them the strength, the concern, and the responsibility to struggle for justice and the sacred, for people, place, and spirit. I am obliged to respond to my kin, literally, in kind.

There is a curious contemporary recognition by Western psychologists of the value of thinking about our ancestors. Test results among German undergraduates showed enhanced confidence and better performance for intelligence tests after five minutes spent thinking about their ancestors. In another, unrelated, study, thinking ahead to the future, in contrast, prompted the shoring up of their “cultural world view” and the engaging in “self-esteem boosting activities.”²⁶ One wonders if these students were looking ahead to a promising future or not.

Compassion

The engagement of cooperation and concern may also be currently under study. The Center for Compassion and Altruism Research and Education, a program of the Stanford Institute for Neuro-Innovation & Translational Neurosciences, was inspired by the Dalai Lama in 2005 to study “the neural, mental, and social basis of compassion and altruistic behavior” and to explore methods of training to teach individuals and societies to “employ these complex behaviors.”²⁷

Coming in this form, it might be respected enough to give some new, effective support for moral responsibility. Many types of ethical systems—absolutism, deontological, teleological, eschatological, indigenous, and others—haven’t worked well enough yet to stop rapacious behavior. If this research can teach and elicit concern in contemporary society for future generations and for the natural environment, the future might look, as Deloria might have commented, more promising than before.

The importance of place

Deloria outlined that “[o]bligations demanded by the lands upon which people lived were part of their understanding of the world; indeed, their view of life was grounded in the knowledge of these responsibilities.”²⁸ For Deloria, there is a profound, spatial responsibility, expressed as *Mitakuye Oyasin*. He wrote, “Indians say, ‘We are all relatives.’”²⁹ There is an initial responsibility to be a human being, an Indian, part of a tribal family. Relationship and respect are also bound together in the self discipline to act responsibly toward all life, including nonhuman forms. There are moral responsibilities to perform the ceremonies that bring balance for all life and to participate in the continuing creation of reality. The responsibility to bring about balance for all life, measured as an innate sense of proportion, is true environmental justice.³⁰

From Deloria’s work, using philosophic nomenclature, we can devise a brief analysis of space and place. As ontology, places teach being. The universe is alive, is being. For the human self, beingness in the sacred space of a living universe develops personhood and relationship. In terms of epistemology, places teach knowledge. The self learning and knowing in relationship to the world develops knowledge and meaning over time. Perception is a fundamental epistemological principle in this, as are observation and adjustment.³¹ As for ethics, places teach morality and responsibility. The individual behaving with discipline in relationship to the world develops responsibility and respect. We can also talk about space and place in terms of phenomenology, but we will need to abandon the Kantian style to do so, because there truly is more than meets the eye, subtle and not-so-subtle phenomena that are both eminently and immanently real. Places also teach wisdom, expressed as sophology. Over time and in space, the self develops

wisdom and maturity in relationship with the world, and acts in reciprocity, resulting in harmony. Places teach balance and reciprocity. This is dikaiology, the arena of justice.

Environmental justice

I’d like to give you a practical example of how environmental justice is served—in most cases, it is rare—for American Indians. A decision was rendered in the US Court of Appeals for the Ninth Circuit in 2008 in the case of the *Navajo Nation v. US Forest Service*, also known as the Snowbowl case. In the court’s opinion, the “spraying 1.5 million gallons per day of treated sewage effluent” to make artificial snow for skiing on San Francisco Peaks, “the most sacred mountain of southwestern Indian tribes,” was not in violation of the Religious Freedom Restoration Act and other acts.³² Judge Carlos T. Bea stated in the prevailing decision, “the sole effect of the artificial snow is on the Plaintiffs’ subjective spiritual experience,” which was not deemed a substantial burden on the free exercise of religion.³³ A dissenting opinion by Judge William A. Fletcher held that the majority decision misunderstood “the nature of religious belief and practice.”³⁴ Judge Fletcher asserted that “[t]he centerpiece of religious belief and exercise is the ‘subjective’ and the ‘spiritual.’” He quoted both positivist psychologist William James and empiricist lawyer Sir Francis Bacon in support of his statements.³⁵

There is no doubt that Judge Fletcher was very sympathetic to the American Indian claims in his dissent and was making a substantial effort to promote their validity before the court. It is a shame that he and his law clerks could not have located better philosophical support for the arguments they made for the importance of American Indian religious experiences in sacred places than to cite these particular Western thinkers, whose opinions in these cases are, or should be, discredited. James and Williams both fail to qualify as experts in religious matters and are not sympathetic toward the natural world.

Francis Bacon was a disgraced parliamentarian, charged with corruption. He was also an empiricist who is known as the father of the scientific method. Carolyn Merchant indicated that he “fashioned a new ethic sanctioning the exploitation of nature.”³⁶ He triggered the abusive assault against nature with his directives that she “be ‘bound into service’ and made a ‘slave,’ put ‘in constraint’ . . . The ‘searchers and spies of nature’ are to discover her plots and secrets.”³⁷ Deloria wrote that “the idea of forcing nature to tell us its secrets has an alternative in other cultural traditions of observing nature and adjusting to its larger rhythms.”³⁸

William James admitted that he was “neither a theologian, nor a scholar learned in the history of religions, nor an anthropologist,” and that “psychology is the only branch of learning in which I am particularly versed.”³⁹ He also admitted the objective reality of “a more spiritual universe,” but his concern was with the psychological aspects of individual, subjective religious experience.⁴⁰ He critiqued both nature and natural theology: “Nature has no one distinguishable ultimate tendency with which it is possible to feel a sympathy . . . the books of natural theology which satisfied the intellect of our grandfathers seem to us quite grotesque” and “for our ancestors, dreams, hallucinations, revelations, and cock-and-bull stories were inextricably mixed with facts.”⁴¹

The use of empiricist and positivist rhetoric in this dissenting opinion to defend the validity of religious experiences and knowledges of a sacred place was ineffective in changing the majority’s opinion. The prevailing opinion indicated an even deeper lack of understanding about religious experiences and sacred places. The court stated, “One need not study the writings of Sir Francis Bacon . . . or William James . . . to

understand ‘religious experience’ invariably, and centrally, involves a ‘subjective spiritual experience’.⁴²

This judgment of the Ninth Circuit Court comes not just perilously close to but perilously over the edge of violating the boundaries of separation of church and state. It violates by its definition, establishment, and subsequent dismissal of religious experiences as merely “subjective” and “emotional.”⁴³ It discounts and denies the objective spiritual reality, the sacredness, found by generations of American Indian peoples in the San Francisco Peaks. The courts should define what is legal, but they should not define what is spiritual.

The Supreme Court refused to grant a Writ of Certiorari to hear an appeal from this case. The legal decision rendered by the Ninth Circuit Court has subsequently been cited as a precedent to challenge other American Indian claims regarding RFRA.⁴⁴

An underlying assumption in the Ninth Circuit Court judgment—and much of contemporary Western academic thought—is that humans construct their societies and realities, including spiritual realities. While many things really are constructed, the idea of construction deserves critical attention because it becomes pernicious when applied to the sublime, the divine, the spirit world, and the mystery. American Indian religions, spiritual visions, and sacred places are assumed to be constructed by the Indian mind alone. The conclusions are that there are no objective, sacred realities to which American Indian religions refer and that human religious experiences are subjective, merely inside our own heads.

Many people will miss the nuances of this judgment—they aren’t religious scholars, lawyers, philosophers, or Indians, nor are they even paying attention. The objective reality and legal validity of the spirit world has now entered a judicial black hole, accompanied and justified by bad philosophy. One offshoot of this is that it presumably applies to other religions, including the major world religions. They are not necessarily exempt, but their backlash might be more significant if they were looking.

The God of much of Western culture has no standing in the US Courts and has negligible legal value due lack of verifiable objective reality, along with Mother Earth and the trees. If God has not been determined in the subjective opinions of the judges to be dead, He is at least invisible, much like Indians and their rights. God is red, too, but no one on the Ninth Circuit Court can tell. In the United States, church and state are still going through a messy divorce and don’t yet have a final agreement on their Jeffersonian separation wall. Although Deloria called for the infusion of religion into law, perhaps *transfusion* would be better word, as the patient doesn’t seem to be responding or responsible.⁴⁵ Perhaps both the infusion of respect for religion and the First Amendment to the Constitution would prevent the courts from defining matters best left to those truly knowledgeable about their respective religious traditions. This would engage both responsibilities *and* rights.

Responsibility calls *us* to answer the aims of our ancestors. Vine Deloria Jr. has become our ancestor, and now we are in position to answer his aims. What would he ask for? He probably would call for the reinfusion of ethics, morality, and responsibility into Western cultural institutions and for rights and justice for American Indians. They are not small things, but he dedicated his whole career to them. We must, therefore, act so that he would not be disappointed in us and so that our grandchildren will point to what we have done with pride.

Where are we to start? Deloria would certainly challenge us all to think this through, to bring better philosophy into being, and to accomplish his aims: “We must find a new paradigm within which ethics can be articulated . . . the old ethical framework which told us how to respond to experiences burst

completely.”⁴⁶ When we are successful, perhaps the courts then will seek *our* philosophical rationales to support their rulings, and they will finally do justice for American Indian peoples and their sacred lands and places. At the very least, we have the responsibility to let them know, as Deloria wrote, that we’ve “been there and that it is always a good day to die. We are therefore able to live.”⁴⁷

Notes

1. Deloria, *For This Land*, back cover.
2. *Ibid.*, 35.
3. Deloria, *Red Earth*, 18; Deloria, *Land*, 76; Deloria, *Spirit*, xii, 201–02, 239.
4. Deloria, *Spirit*, 254–55; Deloria, *God*, 234, 263; Deloria, *Red Earth*, 4, 21; Deloria, *Land*, 75, 76.
5. Deloria, *God*, 68.
6. Deloria, *Land*, 150, 179, 183, 185, 245, 280; Deloria, *Spirit*, 51, 331.
7. Deloria, *Spirit*, 139; Deloria, *Land*, 180.
8. Deloria, *Land*, 172.
9. 708 F.2d 735, 738 (D.C. Cir.), *cert. denied*, 464 US 956 (1983).
10. Deloria, *Land*, 172.
11. *Ibid.*, 174.
12. Deloria, *Spirit*, 202–03.
13. *Ibid.*, 221.
14. Deloria, *Land*, 74, 90, 180, 267; Deloria, *Spirit*, 73, 197, 199–202, 334.
15. Deloria, *Spirit*, 201; Deloria, *Land*, 180.
16. Deloria, *Jung*, 146.
17. Deloria, *Land*, 87.
18. Weaver, *Losing My Religion*, 223.
19. United Nations Permanent Forum on Indigenous Issues. Accessed May 6, 2013. <http://www.un.org/esa/socdev/unpfi/en/drip.html>.
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23. Deloria, *Jung*, 147–48.
24. Deloria, *Spirit*, xiii.
25. Deloria, *Jung*, i.
26. Fischer et al., “Ancestor Effect.”
27. Center for Compassion and Altruism Research and Education, “Studying How Compassion Manifests in the Brain,” 2.
28. Deloria, *Land*, 245.
29. Deloria, *World*, 201.
30. Deloria, *Spirit*, 47, 51–52, 134, 142, 198.
31. *Ibid.*, 5, 12.
32. *Navajo Nation v. US Forest Service*, 10076.
33. *Ibid.*, 10041 and 10042.
34. *Ibid.*, 10104.
35. *Ibid.*, 10105 and 10076.
36. Merchant, *Death of Nature*, 164.
37. *Ibid.*, 169.
38. Deloria, *Spirit*, 12.
39. James, *Religious Experience*, 22.”
40. *Ibid.*, 475.
41. *Ibid.*, 481–82, 485.

42. *Navajo Nation v. US Forest Service*, 10054n.
43. *Ibid.*, 10054.
44. *Snoqualmie Indian Tribe v. FERC*, 545 F.3d 1207 (9th Cir. 2008); *Comanche Nation v. United States*, No. CIV-08-849-D (10th Cir. 2008). The precedent was refused by the Tenth Circuit Court in this last case, and a preliminary injunction against the United States was granted to stop construction.
45. Deloria, *Land*, 88.
46. *Ibid.*, 98.
47. *Ibid.*, 91.

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Vine Deloria, Sacred Places, and Circularity

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kiwaakomelepwa! nitesi8o Thomas Norton-Smith. saawanwa nilla no'ki ni m'soma peleawa. Greetings to you all! My name is Thomas Norton-Smith. I am Shawnee and my clan is Turkey. The following reflections originate from my book, *The Dance*

of *Person and Place*—with *The Burden* as its working title. I speak for no one but myself, so any errors are mine alone. Know well that I will say nothing that a diligent scholar couldn't find somewhere in print, for the rest belongs to the People, and it is not my place to share it.

I. Space, time, and the sacred

Vine Deloria Jr. is perhaps the most prominent Native advocate of and apologist for the view that the Western conception of the world is framed in some fundamental way by time, while the American Indian worldview is fundamentally framed by space. According to Deloria, this dichotomy is first of all a source of confusion, because the two traditions are incommensurable. Natives consider their places to be of greatest significance, while Westerners find meaning in the progression of events in time, so there are fundamental differences in meaning between the two conceptions of the world—differences that must be recognized before each tradition can understand the other. In *God is Red*, Deloria writes that:

American Indians hold their lands—places—as having the highest possible meaning, and all their statements are made with this reference point in mind. [Western European] Immigrants review the movement of their ancestors across the continent as a steady progression of basically good events and experiences, thereby placing history—time—in the best possible light. When one group is concerned with the philosophical problem of space and the other with the philosophical problem of time, then the statements of either group do not make much sense when transferred from one context to the other without the proper consideration of what is taking place.¹

According to Deloria, the respective Native and Western preoccupations with the spatial and the temporal also have profound consequences for religion. "Christianity has always placed a major emphasis on the idea of history," assuming that events ordered linearly in time are the most significant human religious entities.² The site of the crucifixion is largely irrelevant to Christian doctrine, but without the event of the Resurrection, there is no Christian religion. Once more, the movement of Christianity from the fulfillment of its past prophecies to its "Revelations" end-times evidences its temporality.³

On the other hand, Deloria continues, the memory of sacred events in time is of little importance in Native religious traditions. "The structure of their religious traditions is taken directly from the world around them," he writes, "from their relationships with other forms of life. . . . The places where revelations were experienced were remembered and set aside as locations where, through rituals and ceremonials, the people could once again communicate with the spirits. . . ."⁴ Consequently, almost all Native religions have a sacred place at its center, which helps the People to locate themselves with respect to their human and nonhuman relatives. Despite the disease, depredations, and dispossessions Native people have suffered, sacred places are "permanent fixtures" in their religious life and understanding.⁵ And so we have yet another dichotomy arising from the respective American Indian and Western preoccupations with space and time, namely, the importance of the sacred event in Western religions as opposed to the sacred place in Native religious traditions.

Thus, on Deloria's analysis, we have a pretty sharp distinction between time and sacred events in history in the Western tradition, and space and sacred place in American Indian traditions. Indeed, the importance in Indigenous traditions of the People's place, their lands and "environment," and of Earth herself is undeniable, and many Native writers have

given eloquent accounts of the centrality of place for Natives. For example, in her *Science, Colonialism, and Indigenous Peoples*, my teacher, Laurie Whitt, observes that belonging to a place—to an “environment”—is, for Indigenous people, “ontologically basic.” She observes that “the land and living entities which make it up are not apart from, but a part of, the people. Nor is ‘the environment’ something outside of, or surrounding, a people. The relation of belonging is ontologically basic.”⁶ And yet, I will suggest in the following that the dichotomy between the Western preoccupation with time, events, and history, and the Native focus on space, place, and nature is based on an even more fundamental distinction.

II. Circularity as a world-ordering principle

I argued in *The Burden* that a culturally sophisticated constructivism grounded in the work of Nelson Goodman finds that an American Indian description of the world—a world version—constructs an internally consistent, well-made actual world—as privileged as the world constructed by the Western world version. One of the crucial insights I share with Goodman—and with the advocates of other constructivist views—is that there is no such thing as a bare fact—the “pure given”—independent of a mind categorizing and organizing sense experiences.

As I observed in *The Burden*, “[t]he speciousness of the bare fact as an epistemological foundation—compellingly argued by Berkeley and Kant—is a common theme in contemporary constructivist thought, for the pure content of sense experiences alone underdetermines how the world really is.”⁷ Quine’s well-known “gavagai” thought experiment (and my own more humble musings in *The Burden* about my backyard bird feeder) argue the point that language—and other culturally instilled world-ordering principles—impose ontological categories on experience. And, as Goodman compellingly argues, one cannot even describe what the pure given might be apart from the order or structure imposed by a description, for one must employ a description in the account.⁸ *So you believe that there is a mind-independent reality? Tell me about it.*

One of the consequences of this constructivist view is that “patterns in sense experience are where you find them,” that is, patterns in experience are created rather than discovered—as anyone familiar with constellations in the night sky knows. For, there is clearly no unique way that the stars can be organized into constellations: Neither Orion nor Leo are “bare facts” in and of the night sky. In general, I maintain, there are various ways that we organize spatial sense experiences—various ways that we create spatial patterns.

But there are, as well, different ways we can order temporal experiences. I think about my (feared) formal logic final examinations, administered every semester at Kent State since 1988. These events can be ordered linearly in time, so that each exam occurs as an event on temporal continuum—as an event in time—either before or after other exams. However, if we think about them “circularly”—employing what I call a circular ordering principle—then a final examination is the recurring culminating event in an ongoing cycle of courses. In this respect, logic finals have occurred as regularly as the seasons—another circular temporal ordering. As with spatial sense experiences, then, there are various ways we can impose an order on temporal experiences.

Now, Deloria observes that the Western religious tradition holds events in time as the most significant, while American Indian religious traditions regard places in space as the most meaningful. I suggest, however, that there are equally significant conceptions of both time and space—and both event and

place—in each tradition. What is importantly different, I maintain, is the most “natural” ordering principle each tradition uses to pattern both temporal and spatial experiences: The Western tradition is fond of a linear ordering principle, while Natives employ a circular ordering principle. This is not to say, of course, that these ordering principles are unique to each tradition; I easily characterized the occurrence of my final exams both linearly and circularly. However, it would be more “natural,” I think, to conceive of them as events in linear time in the Western tradition and as events in circular time in Native traditions. As Donald Fixico observes in his *The American Indian Mind in a Linear World*, “In order to understand Indian people and their ways of life, it is evident that the ‘circle’ occupies an integral role in the beliefs of American Indians. Patterns and daily norms of American Indian groups involve the circle as a part of their many cultures.”⁹

Consider, first, how various practices and preconceptions in the Western world version reflect and evidence the predominance of a linear ordering principle. It was a long-held commonplace amongst anthros and ethnographers like the infamous J. W. Powell (1877) that society progresses over time from the primitive to the civilized, and it is likewise still commonly believed that science and technology “advance” in a linear progression. Christian “original sin” makes sense only if “there is a linear, unbroken chain of responsibility extending back to Adam’s initial indiscretion,” and the plausibility of strict determinism in metaphysics depends upon an unbroken causal chain of events from some original physical event.¹⁰ Distance and temperature are measured linearly, and logical reasoning progresses linearly from premises to conclusions. And a simple look around a room evidences that the geometry of Western dwellings embodies the linear ordering of the spatial. Finally, Fixico rightfully observes that:

The linear person, who is goal oriented, is a part of the mainstream of looking ahead, keeping one’s head down and working hard, or not looking back for someone might be gaining on you. In such a view of only looking ahead, a person does not see what or who is either side of him or her. Perhaps this is why so many people experience stress in the modern American society.¹¹

On the other hand, circularity orders both temporal and spatial sense experiences in American Indian traditions—and so virtually all facets of life. It first of all goes without saying that Native peoples are very close observers of the natural world and all of the cycles in its workings—seasonal cycles, lunar phases, animal migrations, and the growth of various plants. Indeed, we had to observe, create, and operate in accordance with seasonal patterns, with cyclical patterns imposed on temporal experiences—the ripening of berries in spring, late summer corn harvests, autumn migrations, and winter hunts—in order to survive. But seasonal circular orderings are both temporal and spatial orderings, for harvests and hunts—and the ceremonies expressing gratitude for them—are events in both time and space.

Ted Jojola’s transformative model of American Indian community identity again illustrates circularity as a world ordering principle—both spatially and temporally—in the Native world version. Jojola interprets petroglyph spirals found across the southwest as records of Pueblo clan migrations. These spirals, he believes, have a directionality, with outward spirals recording a circular clan migration from a home territory in a journey “to gain experiential knowledge,” while inward spirals chronicle a circular clan homeward migration. Importantly, Jojola considers one particular migration spiral that documents both spatial and temporal elements of the journey, incorporating

symbols representing a circular spatial path of clan migration together with temporal cycles of the solstice calendar.

All other temporal and spatial facets of American Indian social life and practice are ordered by circularity, as I observed in *The Burden*:

The cycle of the seasons determined most important tribal activities—foraging or planting, harvests or hunts—and in so doing assigned seasonal responsibilities to various tribal members; women are responsible for cultivation and it falls to men to hunt. As well, ceremonies and rituals, like the Shawnee spring and fall Bread Dances, are occasioned by the seasons. Gifting practices, wherein one is obligated to give, receive, and reciprocate a gift—and a performance which itself orders the American Indian world version—also embodies the circular pattern.¹²

Fixico writes that Natives developed “tribal philosophies based on the circle.”¹³ I would say—in “true” constructivist form—that American Indians came to employ circles and cycles—circularity—as the primary temporal and spatial ordering principle. But the question at the heart of this consideration of Deloria still remains to be considered: How is my constructivist proposal that circularity orders the Native world version related to Deloria’s view that the sanctity of place—framed by a conception of space—distinguishes the American Indian tradition from the Western tradition’s preoccupation with time? That is the question to which we now turn.

III. Circularity and sacred places

Deloria describes four kinds of sacred places in his “Sacred Places and Moral Responsibility” (1999). The first kind is a sacred site sanctified by human activity or events, such as the Gettysburg battlefield or the site of the World Trade Center. As Deloria observes, these are not places where humans have experienced anything “mysteriously religious,” places where “Indians would say something holy has appeared in an otherwise secular situation.”¹⁴ They are, instead, usually sites of violence. However, being “mysteriously religious” is characteristic of a second kind of sacred place, exemplified by Buffalo Gap in the Black Hills of South Dakota and by the Petroglyph National Monument in New Mexico. A third kind of sacred site, exemplified in the Western tradition by Christian churches built on sites earlier occupied by pagan temples, are places sites of “overwhelming holiness,” where powerful nonhuman spirit persons make themselves known to human persons. Finally, given that the world is always being created and recreated through the actions and performances of human and nonhuman persons of all sorts, it is possible that places not now sanctified by human or nonhuman activity or intervention may become sites of future revelation. “Consequently,” Deloria concludes about this fourth kind of sacred place, “we always look forward to the revelation of new sacred places and ceremonies.”¹⁵

Central to this discussion of the relationship between Native sacred places and circularity as an American Indian world-ordering principle is the moral obligation we have to perform specific rituals and ceremonies at specific sacred sites periodically at specific times. I was, for example, honored to dance in the Shawnee fall Bread Dance last October, which, together with the spring Bread Dance, is at the heart of the yearly ritual cycle. These dances are performed out of gratitude to the Creator for agricultural and hunting bounty, and to reaffirm the complementary roles of woman as cultivator and man as hunter. Deloria also considers renewal ceremonies periodically performed at specific sacred sites, re-establishing equilibrium between and promoting the prosperity of all persons, human and nonhuman alike:

People have been commanded to perform ceremonies at these holy places so that the earth and all its forms of life might survive and prosper. Evidence of this moral responsibility that sacred places command has come through the testimony of traditional people when they have tried to explain . . . that they must perform certain ceremonies at specific times and places in order that the sun may continue to shine, the earth prosper, and the stars remain in the heavens.¹⁶

Now, I argued in *The Burden* that because various Native ceremonial cycles are both spatially and temporally regular—performed at the same sites at the same seasonal times—we should reconsider the view that American Indian religious traditions differ from their Western counterparts only because place is sacred in Native traditions while the event is sacred Western traditions—it’s far more intricate than that. More generally, it’s not simply that the West is preoccupied with time, events, and history, while Indians focus on space, place, and nature. In fact, there are perfectly well-developed conceptions of both time and space in each tradition: the difference isn’t between time and space, it’s between ordering both time and space either linearly or circularly.

American Indians have traditionally employed a circular world-ordering principle to order both spatial and temporal experiences. Hunts and harvests have both spatial and temporal dimensions, and so, too, do religious ceremonies and rituals performed at specific places and times. This means that, unlike the Western world version, wherein place has only a spatial dimension, Native sacred places have both spatial and temporal dimensions—and those dimensions, as Fixico teaches, are “based on the circle.”¹⁷ I conclude, then, that Vine Deloria and like scholars are justified in holding the view that the sanctity of place—framed in part by a circular spatial ordering principle—distinguishes the Native tradition from the Western tradition—which is framed in part by a linear temporal ordering principle. And scholars like Donald Fixico are justified in holding the view that the American Indian religious tradition—indeed, all aspects of Native life—is framed by the circle and the cycle—by both circular spatial and temporal ordering principles.

Notes

1. Deloria, *God is Red*, 62–63.
2. *Ibid.*, 103.
3. *Ibid.*, 104ff.
4. *Ibid.*, 66–67.
5. *Ibid.*, 67.
6. Whitt, *Science, Colonialism, and Indigenous Peoples*, 43.
7. Norton-Smith, *Burden*, 20.
8. Goodman, *Fact, Fiction, and Forecast*, 6.
9. Fixico, *American Indian Mind*, 42.
10. Norton-Smith, *Burden*, 124.
11. Fixico, *American Indian Mind*, 174.
12. Norton-Smith, *Burden*, 127.
13. Fixico, *American Indian Mind*, 49.
14. Deloria, *Spirit and Reason*, 329.
15. *Ibid.*, 333.
16. *Ibid.*, 331.
17. Fixico, *American Indian Mind*, 49.

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