Hunting with Polar Bears: Questioning Assumptions of Passive Property

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Abstract

Research in Canada's Arctic reveals that Inuit conceptualize both hunters and polar bears as active participants of the hunt and as part of a larger socio-economic system requiring the involvement of both humans and animals. The Inuit viewpoint creates serious conflicts with Western wildlife management systems that utilize a more traditional common property approach. This finding calls into question assumptions in common pool resource theories that treat natural resources as inherently passive and fully available for human appropriation. In fact, when polar bears are understood as active participants in the hunt, the rights of use, exclusion and transfer typically associated with property ownership in Western thought require significant revision. In this paper we present an argument for the incorporation of natural resources as worthy of consideration in common pool resource decisions and identify how a tenure system of active relationships operates in Arctic Canada. We offer this argument as one example of how a common pool resource may be managed within a larger socio-economic system without the attendant assumption that natural resources exist passively outside of ownership regimes.

Key words

Passive property, active property, animals, polar bears, indigenous peoples, Inuit, Canada, hunting

Introduction

Whether it stems from Zimmerman's (1933) dictum that "resources are not, they become", or from unquestioned assumptions regarding qualitative differences between humans and nature, the received view of natural resources is that they are "neutral

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stuff" and as such are fully available for human use (Brown, 2004). This assumption finds a strong counterpart in the common law tradition of private property articulated by John Locke. In *Two Treatises of Government*, Locke (1960) argues that the acquisition of private property from the commons takes place by applying one's labor to the world. By his calculations, Locke placed the ratio of labor to resources at 99:1. Yet assumptions of "neutral" resources and "passive" property are not tenable given that many indigenous cultures view animals and other aspects of the natural world (such as plants, mountains and rocks) as non-human persons who are sentient, spiritually powerful and act as causative agents (Hallowell 1960; Tanner 1979; Brightman 1993; Scott 1996; Salmón 2000; Nadasdy 2003; Stoffle and Arnold 2003). The assumptions of common property theory reflect a bias towards Western conceptions of rationality and causation. Somewhat problematically, these assumptions also go unquestioned in decision-making regarding natural resource management. In this paper we question the conversion of common-pool resources into common property and assumptions of passivity stemming from Western ideas of property and natural resources, in particular with regards to animals.

We begin by outlining the types of property rights recognized in the literature on common-pool resources and discuss their relationship with attitudes towards wildlife in western thought. As already implied, we find there is room to improve common-pool resource theory by confronting problems associated with assuming that property and resources are passive. We then examine how one culture perceives a renewable natural resource, not as passive property, but as a group of non-human persons who engage in relationships with humans that include rewarding and punishing people through numerous possible physical and psychological interactions such as facilitating or preventing harvesting of the 'resource' in question. We look at the common pool resource management implications of widening our understandings both of the nature of property and of the idea of property itself. We argue against the standard notion of natural resources and common property because it fails to respect indigenous views of wildlife as conscious, non-human persons who are involved in active social relationships with human communities.

Background

In the tradition of common law that prevails in most of North America, rights to private property are best understood as bearing on the relations between persons with respect to things as opposed to bearing on the relations between persons and objects of property (Glenn, 2004). However, critics point out that this view implicitly treats the objects of property as passive because they are excluded from participating in the

relevant social relationships that bear on considerations regarding property rights (Stone, 1974). This characteristic feature of private property rights is also carried over in discussions of common property regarding the rights of management (the right to use property as seen fit), exclusion (the right to exclude others from using property) and alienation (the right to transfer property). For instance, Schlager and Ostrom (1992) propose that in common-pool resource situations, decisions regarding property rights present collective-choice problems where communities of persons determine the extent and limits of rights. However, a central question exists regarding what criteria are required for participation in the collective-choice authorization of rights and whether these criteria admit non-human persons to be involved in the relationships relevant to decisions regarding property. It is already recognized that the sphere of eligible participants in collective-choice decisions may vary culturally depending on the weight assigned to criteria such as age, citizenship, gender and so on. As a result, it is directly relevant to investigate whether, and to what extent, the sphere of eligible participants may vary in terms of non-human participants. Equally important to note is that, while the criteria for eligibility in decision-making may change, participation implies at least some level of action, even if it is the choice to abstain.

In what we described above as the “received view” of natural resources, animals are not considered property until they are acquired by human labor and neither are they considered resources until some human use has been found for them. As a result, a conceptual dichotomy exists in which wild animals are viewed as constantly trying to evade hunters (hence requiring “work” to apprehend) rather than as being involved in social relationships with humans regardless of their utility (Ingold, 1994). Moreover, in the Western worldview the knowledge of the relationship between animal behavior and the hunter is not reciprocally shared (Scott, 2006). These two tenets create what appears to be a natural framework for rational hunting and management strategies: Namely, to determine the most effective and efficient use and allocation of resources within a community of resource users and to protect the efforts and claims of resource users through appropriate property rights.

If, however, one questions the assumption of passivity in property systems and resource management decisions, an interesting, non-trivial difficulty arises. The issue centers on the fact that determining resource rights in common-pool resource theory has largely been conceived of as an exercise in matching the production of a resource within a community with the appropriate allocation function given the particular type of resource under consideration (Ostrom, 2003). In this respect, common pool resource theory has emphasized the importance of matching the institutional conditions appropriate for governing a resource with the types of rights necessary for allocation decisions, such as those between private and public goods. Often unquestioned in

these discussions, however, is whether the goods themselves are participating members in the class of determining parties making collective-choice decisions. We recognize that the literature already gives a place to the different types of resources a community depends upon as well as the adjustments that must be made given the changing nature of resource availability over time and space, such as in bird migration or climate variation. However, given the case study presented next, it also seems clear that for some communities the resources themselves are accorded active roles in determining the qualities of both resource uses and of those who should acquire property rights.

Case Study

Inuit and natural resources

When Europeans first contacted hunting and gathering peoples in North America, they brought with them Locke's (1960) assumption that property rights to the landscape were evident in "improvements" to the land. With the corollary being that where improvements were lacking, so too were property rights. More recent understandings, based on the concept of use, have been employed to secure aboriginal rights to these 'unimproved' lands and resources (NTI 2000). Going further, both aboriginal peoples and some anthropologists also espouse a connection to the land based on mutual spiritual creation between landscape, humans and non-human persons (Stoffle and Arnold 2003).

The traditional Inuit system of land use in the North American Arctic closely follows a common property framework. Historically, Canadian Inuit can be divided into eight regional groups based on linguistics, culture and ecological adaptation (Damas 1968; 1972; Usher and Bankes 1986). Each group has typically been further divided into bands that defined themselves by their common geographic territory and named themselves after it, adding the suffix *–miut* meaning 'people of'. The territorial claim was expressed through oral histories of the area as well as recent use of both land and sea ice. Permission was sought in using the territory of another group of people. Thus, although boundaries were fluid, group claims to territories were recognized.

One major difference between Western and traditional Inuit views of common pool resources is that Inuit do not view land and resources as 'ownable' things separate from humans. Rather, humans interactions with the environment and animals are understood as manipulating mutual relationships. Moreover, animals are seen as partners in the relationship rather than objects that are solely subject to human will (Usher and Bankes 1986; Wenzel 1991; Stairs and Wenzel 1992). From this perspective, rights to the land and resources were traditionally use rights rather than

ownership rights (i.e. there was no right of alienation) (Usher and Bankes 1986). Nevertheless the traditional property system can clearly be considered a common property system in which groups of people held rights to resources.

Inuit and animals

Many hunting-gathering groups, including traditional Inuit, view wildlife and humans as integrated in one economic and social system with reciprocal rights and responsibilities (Usher and Bankes 1986; Fienup-Riordan 1988; Bodenhorn 1990; Nuttall 1992; Stairs and Wenzel 1992; Ingold 2000; Salmón 2000). Maintaining proper relationships with animals through respectful hunting and distribution of hunt products is believed to perpetuate the system and ensure the flow of food and other hunt byproducts to humans (Bird-David 1990; Fienup-Riordan 1990; Stairs and Wenzel 1992).

For Inuit, hunting responsibilities include a prohibition against taking more than is needed, as well as restrictions on behaviour and thoughts regarding animals (Rasing 1994). The intention to use an animal for food and to share that food with other people is key to maintaining the system (Nuttall 1992). In fact, the harvested animal does not belong wholly to the hunter; rather it remains common property, subject to customary rules of distribution (Caulfield 1993; Sandell and Sandell 1996; Bodenhorn 2000; Nuttall 2000). For example, Robbe (1994) discusses the Inuit traditional division of animal carcasses in Ammassalik, Greenland. Several categories of people are considered to have consumption rights, including the 'owner' (*iittaa*), hunting party members (*ningertit*) and those people present when the carcass was butchered (*avitsilaartit*). Each category of person has rights to different body parts and amounts of meat and organs, which vary depending on the type of animal and the ordering of each person within a given category. Animals, as sentient beings, are believed to be aware of the proper rules for thinking about animals, hunting, using and distributing animal products. Therefore, it is not merely the humans who actually hunt that are involved in the relationship with animals. Rather, the relationship includes both interactions between the individual hunter (or hunting party) and one animal (the traditional Euro-American view of hunting), and the interactions between the human community and the animal community.

This system differs in two ways from the typical view of common pool resources and common property systems. As already mentioned, animals here are not passive resources, but rather are active participants. For instance, even without a successful hunt, an individual Inuk hunter may maintain or improve good social relationships between humans and animals through appropriate behaviour before, during and after

the hunt (as well as in other arenas of interaction with animals), and thus increase the likelihood of success in the future. Second, the Inuit, and more broadly, aboriginal, hunting system is not only a common property system in the sense of human use of physical resources, but a commons in terms of social and mental efforts needed to maintain the system. Shirking one's responsibility to think and act properly could potentially be as damaging to the system as not sharing physical resources in other common property settings. The role of animals as actors in the modern Inuit socio-economic system will be explored further using the example of the polar bear (*nanuq*), a particularly powerful and sentient animal in Inuit tradition, which is also subject to common property management systems in the Canadian Arctic.

Inuit and polar bears

Inuit place polar bears in a special symbolic category not shared by other animals nor other bears. This is so because polar bears inhabit both the land and sea ice, are intelligent and human-like (Giffen 1930; Randa 1986; Trott 2006). Culturally, polar bears play important roles in Inuit stories (Nutarakittuq 1990, Metayer 1977), serve as model hunters and male symbols and were frequently employed as shaman's helpers (Trott 2006). In some areas they were subject to more ceremony before and after hunting than other animals (Hallowell 1926, Giffen 1930), and while many traditions are no longer practiced, a difference between the treatment of polar bears and other animals can still be noticed today in Inuit and related cultures. Among the Inupiat of Alaska, 'regular' game is divided up and used by the hunters involved in the kill, while bears and whales are butchered in 'public' spaces and their meat is distributed to a wider range of people (Bodenhorn 1990). Robbe (1994) notes that the 'owner' of a bear in Ammassalik, Greenland is termed '*nannitteq*' rather than the more general term for owner, *iittaa*, while the category terms for hunting party members and those present at the butchering remain the same as for other animals. Across the Inuit cultural area bear hunters are held in particular esteem by their communities, above that of other hunters (Sandell and Sandell 1996) and bear hunts in the Baffin region of Canada are carried out more solemnly than other hunts (Wenzel 1983). Polar bears are particularly dangerous and because they are believed to well understand human actions, words, thoughts and intentions they must be treated with respect beyond that shown to other animals. As L.N., an Elder from Qikiqtarjuaq, Nunavut, remarks, "I think the polar bears are not like any animals because polar bears are the only ones that can make a decision and make a plan."

The special relationship between individual humans and individual polar bears and its extension to groups of humans and groups of bears can be well illustrated by a personal experience. While gathering data on polar bears and Inuit views of wildlife management in the eastern Canadian Arctic in 2004 and 2005 (Dowsley 2007; Dowsley and Wenzel

in press), I (MD) was cautioned in several communities to avoid being hopeful of seeing a bear. I was warned that such hopes could cause a bear to appear unexpectedly and harm me or others in the community. Hoping to see a bear was considered disrespectful to bears who appear when they want to rather than when humans want them. The bears would know my thoughts and one would appear to 'fulfill my wish', potentially causing harm. These cautions underscore the importance of all humans in the area maintaining proper thoughts regarding polar bears. I was, through my interest in bears, incorporated into the psychological aspect of the human community-bear community relationship. Although I was not participating in the physical aspects of the human-bear relationship through hunting or eating bear meat, my behavior or thoughts could affect the community's relationship with bears and cause negative repercussions not only for myself, but for others.

Inuit conceive of a different relationship between polar bears and humans than between humans and other animals. The two levels of that relationship, (hunter-bear and human community – bear community) are both stronger than parallel relationships between humans and other animals.

Inuit tradition and wildlife management

Modernization has not erased the traditional Inuit common property systems regarding land use, animals or more specifically polar bears, but it has overlaid two other considerations: commercial use of wildlife and non-Inuit involvement with animals. While both have caused conflict for Inuit in terms of the traditional socio-economic system (Dressler et al. 2001; Sejersen 2001), it is the second that is currently more difficult to reconcile because of the differing view of animals as passive or active resources.

Wildlife management as defined by Western tradition began in earnest in Arctic Canada in the 1960s. At its most general level, wildlife management refers to the control of human consumption of animals. Inuit and related groups traditionally had hunting controls for various species, in particular ones that congregate in large numbers such as fish, geese and caribou (Riewe and Gamble 1988; Fienup-Riordan 1990). The hunting rules that provided a control on harvest depended on the ecology of the species and cultural beliefs about how to interact with it. Hunting levels then were controlled not only by technology and manpower, as is generally thought, but also, at least for some species, by the quality of the human relationship with animals. These controls continue and have evolved under new circumstances today (Fienup-Riordan 1999; Zavaleta 1999). For solitary animals such as polar bears, decisions made by the animal, communication from animal to hunter, and whether the hunter made the appropriate

response are given by hunters as determining factors in evaluating the outcome of a hunt (Wenzel 2004;Nadasdy 2007).

Despite these traditional controls however, both real and perceived increases in harvest levels over during the mid twentieth century prompted non-indigenous wildlife managers to develop quota systems for some animals, including polar bears which have been managed in Arctic Canada using quotas since 1968 (Schweinsburg 1981). These developments have not been without controversy. The most easily understood and frequently successful argument against particular quotas has been that scientists are incorrect in their population estimates. Inuit have stated this in reference to caribou, whales and polar bears in various areas (Riewe and Gamble 1988, George 2008). However, the more subtle and less understood arguments against quotas expressed by aboriginal northerners relate to the wildlife management paradigm of considering animals as passive resources. For example, Fienup-Riordan (1990) recorded many comments by Yup'ik Eskimo elders in Alaska who complained about the way non-Yup'ik geese researchers interacted with geese, and who expressed concerns that the geese would leave because of this mistreatment.

Modern management and use of polar bears

Despite its continued importance, the position of the polar bear in the socio-economic sphere of Inuit life has changed considerably in the past century. The economic value of the animal has increased from being occasionally hunted during the pre-contact period (Freeman 1976; Schledermann 1990) to being a key food source in some communities during the 1970s (Kemp et al. 1977). Today, this subsistence role continues in many Northern communities (Wenzel 1991) where subsistence hunting and the eating of country food in general are considered to be important cultural activities for many Inuit (Condon et al. 1995, Wenzel 1995). Polar bear skins also became important in the 1970s, when they rivaled sealskins for overall economic value in some communities (Wenzel 1991). The recent introduction and development of sport hunting has further increased the value of the polar bear in the cash economy.

As a result of these developments, Canadian Inuit communities are now faced with decisions about how to use their quota for polar bears each year. They must decide whether to allow a sport hunt, if it is allowed, then how many tags will be allocated to it, and how it will be outfitted (privately or by the community Hunters' and Trappers' Organization). The remaining tags must be distributed to hunters in the community, who consistently outnumber the tags available. Communities deal with this supply-demand problem in various ways including lottery draws for tags and short tag-holding periods (Tyrrell 2006, Dowsley and Wenzel in press). While Inuit appear to have adapted to the imposition of quotas on their harvesting of polar bears through these

mechanisms and through their economically successful development of a sport hunting industry, many Inuit are uncomfortable with the modern management system because it denies personhood to bears.

Discussion

The allocation of polar bears as common-pool resources in Inuit culture requires revising two central ideas regarding common property rights that assume the objects of property are in passive relationships with those entitled to goods. Issues regarding both resource subtractability and rights of alienation arise and are both directly undermined by the Inuit position that bears are active social agents. Difficulties with assumptions of passivity become particularly obvious in the response of Inuit to the introduction of the quota system as a means to allocating polar bears.

Inuit do not consider polar bears a subtractable resource in the same way as Western tradition because traditional Inuit and Eskimo understandings do not include a loss of natural capital if hunting is increased (Fienup-Riordan 1999, Dowsley and Taylor 2006a, b). Rather, hunting in a proper fashion draws more animals to the hunter(s) and ensures a continual supply of products to humans. As a result, problems associated with resource scarcity in the allocation of goods are understood with respect to the maintenance of proper relationships with polar bears. With the introduction of the quota system however, both counting bears through scientific studies and stating how many bears could be harvested is considered by some to be arrogant (Wenzel 2004). Concerns over the quota system may be understood within the context of this discussion as also reflecting latent problems in the notion that resources are passive actors in collective-choice decisions. For instance, from the Inuit perspective properly maintaining the bear-human relationship is a key component in authorizing common property rights since bears give themselves to those hunters who have the appropriate qualities and maintain proper relationships. Yet under the quota system, the bears play no role in determining the number of total bears to be allocated for hunting nor do they participate in calculations of supply, demand or type of method of consumption.

From the Inuit perspective, it is also interesting to note that the best the quota system may do is to cover the human side of the hunter-bear relationship. This is the case because refusing to hunt an animal that presents itself after the quota has been filled is considered disrespectful to the shared hunter-bear relationship (Wenzel 2004). This position further challenges the notion of passivity in common property rights and the traditional idea that the right to alienation may be exercised without consideration for the property itself (except in so far as decisions may create a nuisance to the property of

others). However, when polar bears are seen as actively participating in hunting activities the right to alienate property has direct social ramifications both in the obligation to take a bear that gives itself to the hunt and to allocate the portions of the bear among members of the human community.

From an Inuit standpoint, acceptably discharging the right to alienate property directly challenges the notion that the objects of property are passive and not involved in the relationships relevant to property considerations or collective choice decisions. Both in terms of releasing oneself from relationship obligations through the sale of sport hunting tags or through exclusions based on the quota system, it is apparent that polar bears are considered by the Inuit as an active non-human participant in decisions regarding common pool resources and in authorizing common property rights regarding resource production and allocation.

Conclusion

The active social relationships that exist between human and non-human persons in Inuit communities raise unique difficulties in applying western notions of common property and common-pool resource theory to wildlife management. Sitting at the juncture between polar bears and wildlife managers are the Inuit themselves, whose perspective we believe offers the best opportunity for reconciling common property theory with the difficulties we have identified in assuming that natural resources are passive actors in collective choice decisions.

From the Inuit perspective it is clear that polar bears communicate through their actions. For example, M.N. and Inuk Elder from Qikiqtarjuaq says that “I know polar bears have the same mind as humans. They can think for themselves and make a plan. It is like humans. When the polar bear knows the human doesn’t like it, it will retaliate against the person.” As a result of their longstanding relationships with the bears, Inuit are the human actors best able to interpret the actions of polar bears and have a cultural history that they are hesitant to give up for western models. A quote from L.N., also from Qikiqtarjuaq, demonstrates the importance of this cultural memory, “My mother’s father told us to never make fun or say bad things about bears. If we did they would remember us. They have minds like people and are able to sense if someone dislikes bears. They will come after you. It can also just be an aggressive bear. I strongly believe the saying the bears have a mind like humans so I am going to keep respecting them like I was taught.”

From the western perspective, biologists and managers can only offer their perspective on the population models and sustainable yield forecasts they derive from them.

However, there is a pressing need to come to decisions that meet conservation demands while being flexible and attempting to meet Inuit-polar bear demands. One aspect of meeting this need is to take seriously the human-bear relationships that exist in Inuit communities. This requires fostering an attitude of respectful appreciation of the active role of bears in collective choice decisions. For instance, when asked why might the polar bear population be decreasing? L.N.N. from Qikiqtarjuaq answered, “Because maybe they are being controlled and it is similar to retaliation.” Likewise, D.K. remarked that, “From what I’ve seen, disrespectful people have their property damaged more than other people.”

In the authorization of common-property rights, and in the production and allocation of common-pool resources, there is room to extend the sphere of eligible participants in collective choice decisions to include non-human persons. Recognizing the social relationship between the Inuit and the polar bears, M.O.A. from Qikiqtarjuaq, states that “We are mostly told that we shouldn’t bother or disrespect them. They have feelings and will cause problems for people who say bad things about them.” Similarly, we have argued that adapting and adjusting to polar bear actions and interpreting these actions as a relevant contribution to collective choice decisions leads to several questions regarding common property systems and assumptions in common-pool resource theory.

These perspectives are being adapted to the modern management situation in the Inuit and Eskimo homeland of Arctic North America. For example, Zavaleta (1999) reported a nascent understanding among Yup’ik Eskimo hunters that animals understand management regulations and policy and monitor local human behaviour regarding these new rules. Similarly during fieldwork conducted by one of the authors (MD) in Qikiqtarjuaq, Nunavut, an Elder (L.N.N.) stated “the polar bear knows there are seasons when humans can’t kill polar bears and if a man kills one out of season the polar bears might get mad.” As well, one quarter of Elders and hunters interviewed across three Baffin Island communities (4/16) said they supported the quota system because it was good for bear conservation (Dowsley 2007).

The longevity of the Inuit hunting relationship with polar bears is evidence that incorporating bears as an active non-human participant in the socio-economic hunting system is possible. In terms of explaining such a system through western theories of common-pool resources or regulating it through common property regimes, the active role of polar bears in the Inuit hunting system raises several difficulties. In this paper we have discussed several issues regarding how conflicts between western and Inuit views of polar bears may disrupt what has been a successful traditional practice for generations. It appears inconsistent to us to argue for a new, revised version of common-pool resource theory or common property rights in view of the preceding discussion. Rather, it is our opinion that the solutions to the issues raised should take

their lead from the Inuit and their relationships with polar bears as partially falling under the western categories of natural resources and common property, but above all maintain the Inuit view of polar bears as non-human persons.

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