

Beyond the North American Wildlife Conservation Model and towards Earth rights

For nearly 150 years, the view of wild animals as ‘renewable natural resources’ and ‘property’ to be managed, controlled and used has dominated wildlife management and conservation in the US. The North American Wildlife Conservation Model is the driver of this strong anthropocentric and utilitarian stance, which has not only led to an annual killing spree where millions of wild animals lose their lives to hunters and trappers nationwide but has also resulted in a staggering spiral of plant and animal extinctions globally. This article examines the worldview of the North American Wildlife Conservation Model and its dangers, and it points out the need for compassion for all Earthlings and for the embrace of Earth rights. The author also provides steps everyone interested in changing the paradigm of lethal management of wild animals can take to help accelerate the transition.

On a sunny winter day more than a decade ago, my partner and I came across a pine marten hanging by a front arm from a leghold trap on the limb of a tree in the woods. After we freed her from the trap, she limped away and then stopped, turned around and gave us a long look, perhaps of thanks. This traumatic experience set me on my path of inquiry into what makes this cruelty against wild animals possible and still legal. My journey led me to the little-known North American Wildlife Conservation Model. Along the way, I was dumbfounded to learn that our releasing the poor pine marten was illegal – that creature was property of the trapper.

An invisible force with powerful, received beliefs, the North American Wildlife Conservation Model (hereinafter, the Model) has been directing wildlife-related policies, regulations and laws, and shaping also how society relates to wild animals and nature. Owing to similar temporal and social circumstances in the US and Canada, the Model conceptually includes both countries. Its history reaches back to the 1800s, a time when European settlers mercilessly slaughtered wild animals for commerce, driving several animal species to extinction or near extinction. This also led to a conflict with another group – the wealthy, urban ‘sport’ hunters, who saw

their favourite animal species (and hunting opportunities) disappear. Ideas and actions taken by these early recreational hunters to stem the decline of certain ‘game’ species, such as elk, deer and antelope, caused by market hunters developed over time into principles. These were collectively described as the North American Wildlife Conservation Model in 2001 (Geist *et al.*, 2001).

Some of the early ‘sport’ hunters, including Theodore Roosevelt, George Bird Grinnell and Gifford Pinchot, also spearheaded the establishment of national parks and wildlife refuges. They led the historic transition from unmitigated slaughter of wild animals to regulated hunting, fishing and trapping. However, by replacing commercial hunting with the concept of sport hunting, early recreational hunters succeeded in *conserving* wild animals for human use, and at the same time *preserving* methods to exploit them: hunting and trapping.

Strikingly, today, a growing sector of the American public is shifting its beliefs about wild animals and increasingly embracing mutualism, an egalitarian ideology that views non-human animals, including wild individuals, as if they were members of an extended family, deserving rights and care. This was one of the findings by a recent US report that surveyed public and

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Citation

Heister A (2019) Beyond the North American Wildlife Conservation Model and towards Earth rights. *The Ecological Citizen* 3(Suppl A): 67–74.

Keywords

Animal ethics; anthropocentrism; biodiversity; conservation; rights of nature

“The United States Department of Agriculture’s Wildlife Services agency relies heavily on leghold traps and strangulation snares among other indiscriminate devices in their annual slaughter of millions of wild animals under the guise of livestock protection.”



Figure 1. Raccoon skins at the North American Fur Auction in Stoughton, WI, USA (photo: Wisconsin Department of Natural Resources [CC BY-ND 2.0; <https://creativecommons.org/licenses/by-nd/2.0/>]).

governmental staff’s attitudes towards wild animals and showed that mutualists (35%) have now outpaced traditionalists (28%), who believe that non-human animals should be used for the benefit of humans (Manfredo *et al.*, 2018). Yet at the same time, the relationship between humans and non-human animals conveyed by the Model, and reflected in federal and state fish and wildlife agencies’ policies, remains firmly locked in the historic grip of anthropocentrism tethered to strong utilitarianism. The Model’s approach – which has no consideration for the intrinsic value of non-human animals – is responsible for legitimizing an annual killing of millions of individual wild animals. It has been estimated that hunters in the US alone kill between 100 and 200 million animals annually, the majority for ‘recreation’ (Bekoff and Pierce, 2017). In addition, trappers kill between 6 and 21 million wild fur-bearing animals annually (Figure 1; White *et al.*, 2010). Furthermore, the United States Department of Agriculture’s Wildlife Services agency – a body that one documentary rightly exposed as an “unaccountable, out-of-

control, wildlife killing machine” (Predator Defense, 2014) – relies heavily on leghold traps and strangulation snares among other indiscriminate devices in their annual slaughter of millions of wild animals under the guise of livestock protection. The federal agency killed more than 2.3 million wild animals in 2017, down from 4.4 million animals in 2013 [United States Department of Agriculture, 2019]). Given the task of conservation to curb society’s destructive relation to the more-than-human world, it is disturbing to see the acceptance – and even promotion – of the Model’s tenets by certain conservationists. Unwittingly perhaps, they are thus legitimizing another strand of destruction – the recreational killing of wild animals.

Nevertheless, state and federal wildlife agencies, most hunting organizations, and even professional wildlife associations such as The Wildlife Society, promote and defend the Model. The Congressional Sportsmen’s Foundation (CSF; www.congressionalsportsmen.org), a body based in Washington, DC, is perhaps the Model’s most powerful lobbying force. Together with partners, including the

National Rifle Association, the Sportsmen's Alliance, and the Safari Club International, CSF applies high-pressure political influence in protecting their interests in hunting, angling, shooting and the trapping of wild animals. This has been exemplified by two main supporters, who stated: "the Model has ensured that hunters are a force to be reckoned with, despite representing only about 6 percent of the North American population (13.7 million hunters in the US in 2011)" (Mahoney and Jackson, 2013: 454).¹ Indeed, the pro-hunting and trapping industry comes out in full swing whenever the public attempts to curtail recreational hunting and trapping or governmental lethal management of predators. Nevertheless, several national and state-focused organizations fight either through legal challenges or through grassroots efforts, including ballot initiatives against the cruelties involved in the recreational killing of wild animals. Examples include the Center for Biological Diversity, WildEarth Guardians and Footloose Montana. The last of these, of which I am a co-founder, is a non-profit organization based in Missoula, MT, that promotes trap-free public lands.

The Model's seven tenets

The seven tenets of the Model are as follows (The Wildlife Society and the Boone and Crockett Club, 2012):

- 1 **"Wildlife resources are a public trust"**: Wildlife is a common resource and held in trust by the government for the benefit of present and future human generations.
- 2 **"Markets for game are eliminated"**: Historic markets for game species were eliminated; trapping for fur and markets for animal pelts are exempted.²
- 3 **"Allocation of wildlife is by law"**: 'Surplus'³ of wildlife is allocated to the public for consumption by law, not by the market, land ownership or special privileges.
- 4 **"Wildlife can be killed only for a legitimate purpose"**: This principle legitimizes killing wildlife for "food, fur, self-defense or property protection" (Geist *et al.*, 2001: 178), and then goes on to describe the concept of "fair chase" and rejection of frivolous and wasteful killing.
- 5 **"Wildlife is considered an international resource"**: Many wildlife species are of international importance (see, for example, the transnational *Migratory Bird Act* established between Canada and the USA in 1916), and management of wildlife is an issue of international concern.
- 6 **"Science is the proper tool to discharge wildlife policy"**: The implementation of policies, such as hunting and trapping seasons or protection of endangered species, should have a scientific basis at a certain level.
- 7 **"Democracy of hunting is standard"**: Aldo Leopold called this idea the "democracy of sport" (Meine, 1988: 169), reflecting the Model's inherent focus on hunting as a democratic process, where everyone has a right (*i.e.* access to), and a responsibility for, wildlife.

The Model's detrimental impact on society: Reflecting and reinforcing anthropocentrism

The Model is one of many forces that have historically created and continue to maintain the human-nature dichotomy and a strong hierarchy. Because the Model's priority is the (lethal) use of wild animals, its tenets are a moral structuring of the relationship between humans and non-humans. Here, humans are considered subjects with moral value (they matter), while non-human animals are assigned an inferior status as public or private 'property', or as a 'natural resource' (tenets #1, #2, #3, #5 and #6). The tenets describe acceptable purposes for killing animals (#4), and also claim the right of humans to kill animals for sport touted in the 'democracy of hunting' (#7). Underlying such a strong sense of entitlement to decide over wild animals' lives and deaths are certain widely shared beliefs: "that the Earth belongs to humanity; that the planet consists in resources for the betterment of people; and that human beings are 'obviously' superior to all other species" (Crist, 2017: 62). According to this perspective, humans are not perceived as a part of nature, but, instead, our species

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is arbitrarily elevated into a realm deemed separate from, outside of and above nature. This is a worldview with disastrous consequences, as it is playing out globally in the unprecedented extinction crisis.

The Model’s clear-cut separation between humans and wild animals demands a strong hierarchical view of the world (*scala naturae*) in order to justify its grand-scale exploitation of wild animals for ‘recreation and use’. This is also a moral scaling that justifies the non-vital desires of hunters and trappers, while demoting the vital and basic needs and interests of wild animals of staying alive, unharmed by humans. Let us take a closer look at how the Model ontologizes wild animals for use. First, it directs its focus on the ecological collective, not the individual animal. Second, it downgrades the status of wild animals to ‘natural renewable resources’. And third, it categorizes wild animals as property.

The Model’s view of the whole

The Model’s allegiance is to the collective – the ecosystem, the animal species and population. In this sense, the individual animal has no moral worth because the individual essentially does not exist. The message here is that the individual animal is expendable, interchangeable and “only valuable insofar as it carries the genetic coding to perpetuate the species, which in turn is by evolution adapted to its surroundings and helps to perpetuate the healthy functioning of the ecosystem” (Mallory, 2001: 69). Focusing on abstract constructs ensures that the individual animal conveniently vanishes into the mist of the species or population and that he or she can be sacrificed for the greater good of the whole or for the experience of the *individual* sport hunter (Kheel, 2008). This view ignores non-human nature’s intrinsic standing and value. It utterly dismisses compassion and respect for the lives of individual animals. It denies that they are good for their own sake and therefore ought to be protected. Of course, this view is far from being universal within the conservation community. For example, the late biologist Gordon Haber, who spent 40 years documenting the lives

and societies of wolves in Denali National Park, captured non-human individuality by pointing out that every wolf is embedded in a net of relationships within and outside their families, and thus every wolf is not only *an individual* but essential (Haber and Holleman, 2013). In the same vein, a group of conservationists and animal ethicists recently urged for conservation strategies to include concern for collectives and individual animals, “particularly for those who possess sophisticated capacities for emotion, consciousness and sociality” (Wallach *et al.*, 2018: 1).

Animals as ‘natural resources’

With the rise of sport hunting legitimized through the Model came the displacement of wild animals, along with natural entities such as trees, plants, soil, water and rocks into a legally defined category of natural resources. The added epithet of ‘renewable’ turned animals into a resource that “with wise management, can be perpetuated indefinitely for the enjoyment of present and future [human] generations” (Bolen and Robinson, 2003: 3). And while humans are bestowed with the right to manage (control, manipulate and kill), wild animals are denied what they share with us – biological kinship, self-will and independence, autonomy and self-determination, sentience and cognition, and species-specific culture and morality. This outdated view of fellow creatures is no longer congruent with scientific and ethical advancements (Singer, 1975; Midgley, 1979; Regan, 1985; Adams, 1990), both of which are aligned in urging us to change our view of non-human animals – wild and domestic – from objects to subjects, sentient beings with lives, rights, interests and needs like humans. “Science is confirming the obvious: other animals hear, see, and smell with their ears, eyes and noses; are frightened when they have reason for fright and feel happy when they appear happy” (Safina, 2015: 23). And not only that, but scientific discoveries now include the existence of sentience in taxa other than mammals, including octopuses, reptiles and fish. In addition to widespread cognition, moral behaviour as

well as personality differences exist among non-human individuals of many animal species (Bekoff and Pierce, 2017). All such recent findings point to the same: Life is one and experienced by all.

From rats chirping (laughing) when tickled and bees dancing to polar bears sliding down a snowy hill for fun, there is no longer any doubt that biodiversity consists of bodies *and* minds. This is further supported by the 2012 Cambridge Declaration on Consciousness (Dvorsky, 2012). Sentience obviously gives an animal an advantage in survival and did not arise *de novo* in humans but developed from species already equipped with emotions and the capability of suffering both from physical pain and from fear, anxiety and stress (Rollin, 1998). Thus, the Model's focus on human interests that seemingly outweigh animals' sentience is morally bankrupt and its view of wildlife individuals as non-sentient natural renewable resources is scientifically unsound.⁴

Animals as 'human property'

The Model continues to rely on the archaic ancient principle of Roman common law, which classifies animals as 'things'. Accordingly, all wild animals in the US are either public human property, owned by the nation's citizenry and held in trust by state wildlife agencies for present and future human generations, or become private property when physically immobilized by a human with a license to kill, via bullet, hook, arrow, trap or snare. With that, the Model has cast an all-encompassing net over wild animals, granting them no protecting from abuse, torture and death. Unsurprisingly, states' animal cruelty laws exempt the practices of hunting and trapping. In practical terms, this means, for example, that when a bobcat gets caught in a snare or trap, he or she transitions from public 'property' to the trapper's private 'property' and, as such, is entirely at the trapper's mercy. As I mentioned at the start of this article, anyone finding and releasing a trapped animal can be fined for illegal interference. Contrast the Model's perspective with that of writer

and naturalist Henry Beston (1956: 25), who described our fellow creatures so beautifully: "they are not brethren, they are not underlings, they are other nations caught with ourselves in the net of life and time."

The Model's promotion of aggression, violence and cruelty to wild animals is detrimental to society's efforts to increase pro-social behaviours

Reflective of the global destruction of nature caused by a separation between humanity and more-than-human nature, the Model's disconnect between human and non-human animals breeds abuse, cruelty and violence against wild animals. Nowhere is this more apparent than in trapping wild animals for their fur or just for 'fun'. Trapping is clearly an act of violence against unsuspecting and defenceless wild animals, who are lured into a baited snare, leghold or conibear trap. Common injuries include broken teeth and broken bones, and psychological and physiological trauma. In such desperate situations it is common for a trapped animal to chew off his or her foot or twist off an entire limb to escape the pain and panic (trappers call this "a wring-off"). Trappers commonly kill a trapped animal by stomping, strangling or beating him or her to death, by shooting, by poisoning, by chemical injection or by drowning. For example, the *Trapper Education Manual* encourages inexperienced trappers to use submersion techniques and recommends that trappers who are underage or otherwise not legally permitted to carry a firearm "strike smaller furbearers such as raccoon, opossum, and fox hard at the base of the skull with a heavy wooden or metal tool to kill or render them unconscious" (International Association of Fish and Wildlife Agencies, 2005: 98). This manual then instructs such trappers: "Placing your foot over the head and chest area and compressing these organs will lead to death." There is no mandate as to how a trapped animal should be killed 'humanely', nor is there monitoring of, let alone a charge, for these crimes in the woods. No thought is given

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to the death by starvation of offspring of animal mothers killed in traps.

Trapping’s inherent callousness and lack of empathy for wild animals has been a cause for great societal concern in the US since at least the turn of the 20th century. Indeed, no fewer than 450 anti-trapping bills were introduced in state legislatures or in the US Congress between 1901 and 1982 (Gentile, 1987). The link between animal cruelty, domestic violence and murder has long been established (Phillips, 2014). However, I believe that there also needs to be more research into links between the killing of wild animals and human aggression, including violence against humans and other crimes. This is critically important since studies have shown that belief in human superiority over animals is associated with greater prejudice against human outgroups, such as immigrants and other minorities, and vice versa (Kymlicka and Donaldson, 2014).

Notably, the Model is silent on the issues of lack of empathy and absolving animal cruelty. It is entirely out of kilter, if not undermining of, the mandate to address the most pressing threats to the integrity of our planet – human population growth, habitat loss and fragmentation, global climate change. The Model’s obsolete and crassly anthropocentric construction of wild animals hampers societal efforts to increase empathy and compassion for all beings.

From anthropocentrism to Earth Rights

While the Model originated in the US and Canada, its ideas and practices, particularly the view of wild animals as mere trophies, have spread globally. In fact, one of the Model’s early pioneers, President Theodore Roosevelt, founded in 1887 the Boone and Crockett Club, which is an organization that measures, scores and tracks ‘big game’ animals killed through any legal means in North America. In 1909, Roosevelt went on a safari expedition to East Africa, which ended with more than 11,000 wild animals shot, including elephants and lions (Pollak, 2012). Global trophy hunting and killing

wild animals for ‘recreation’ in the 21st century, disguised as a ‘conservation tool’ that controls populations and funds conservation efforts (contentions that have both been discredited [Baker, 1985; Smith and Molde, 2014; Murray, 2017]), are most certainly part of the legacy of the Model. At a time when close to 1500 vertebrates and invertebrates are listed as either endangered or threatened with extinction (U.S. Fish & Wildlife Service, 2019), and a warning has been published of the imminent extinction of 1 million species (IPBES, 2019), killing animals for fun and trophies continues to be rampant in the world, perpetuated and glorified by such notorious trophy-hunting organizations as the Safari Club International (a partner organization of the Boone and Crockett Club). With partnerships like this has come a global, powerful and wealthy lobbying force in support of killing for conservation that is not only culturally ingrained but also legally and politically entrenched and sheltered. Wild animals are caught in the net cast between hunters, governmental wildlife agencies and policy-makers, with the segment of the public who are against hunting and trapping being excluded. However, while the lobbying force may be with wildlife killers, the national and international public is increasingly objecting to the recreational killing of wild animals, as shown by the overwhelming global outrage over the killing of Cecil the lion shot by an American trophy hunter (Bekoff, 2018).

I think that, with leadership from a conservation community that recommits to intrinsic valuation in order to help transform our relationship with nature (Piccolo *et al.*, 2018), now is the time to inspire people nationally and globally towards more ecocentric values. As Manfredo *et al.* (2018) have shown, a growing sector of the American public is shifting its value orientation from utilitarianism to mutualism, which involves love and empathy for wildlife individuals characterized by trust and the desire for a mutually respectful relationship with wild animals. People with a mutualistic orientation are “less likely to support actions resulting in death or harm to wildlife”

and “are more likely to engage in welfare enhancing behaviors for individual wildlife, and more likely to view wildlife in human terms” (Teel and Manfredi, 2010: 130).

I applaud Thomas Berry’s approach in our goal to overcome our ingrained sense of superiority when he proposed that “the Earth is a communion of subjects, and that rights originate where the universe originates and not from human jurisprudence” (Cullinan, 2003: 108). This means “we cannot claim that humans have human rights without conceding that other members of the Earth Community also have rights” (Cullinan, 2003: 108). For this to happen, nature and its non-human denizens need to be released from their legally enshrined property status. Instead, the more-than-human world must be recognized as having rights to exist, persist and flourish, with people having a moral obligation and authority to enforce nature’s rights on behalf of ecologies and their denizens. This enormous transformation of our relationship with nature has been taken up by the rights of nature movement (Sólón, 2018) and associated legal initiatives (e.g. Earth Law Center, 2019), which provide us with a much-needed holistic ethical and legal framework that re-embeds humans into the ecological context and gives nature a voice. This spiritual and practical, justice-based vision of Earth democracy has already begun to shape a crucial egalitarian relationship with the more-than-human world. For example, in 2008 Ecuador included rights of nature in its new Constitution and, more recently, the Maori tribe in New Zealand achieved the legal recognition of a large river as an ancestor with legal personhood. This revival of a long-standing sensibility of interconnectedness with the more-than-human world also presents an opportunity to strengthen our potential for healing what we’ve torn apart. Survival, and hopefully flourishing, in a much-depleted world profoundly depends on the awakening of love and respect.

Ways forward

One way in which you can effect change is to get involved in your country’s or

state’s legislature, where all too often bills detrimental to wild animals are being passed. Consider running for office to promote wildlife- and Earth-friendly policies and vote for legislators who champion these. Bring attention to the plight of wild animals by writing letters to your local newspaper. If you belong to a congregation, the peace movement, or any social justice, political or conservation organization, question them on their stance on wildlife individuals (you’ll be surprised). You can also join an Earth rights group or a Community Environmental Legal Defense Fund chapter, or support the Earth Law Center. And you can make a profound difference for all animals, domestic and wild, and for the health of the planet more broadly, by switching to a vegan diet. ■

Notes

- 1 In 2016, the number of hunters was 11.5 million, compared with 86 million bird watchers and photographers (U.S. Fish & Wildlife Service, 2016).
- 2 This is just one of many contradictions within the Model.
- 3 In a wildlife management context, the term ‘surplus’ refers to the manipulation of animal populations through lethal means, when an “accelerated growth rate provides a surplus of animals beyond the number required for replacing the losses—a surplus that may be harvested by hunters or other predators” (Bolen and Robinson, 2003: 185).
- 4 This is against the backdrop as Curry (2018) and Gray (2018) have argued, that sentience is not essential to an individual having intrinsic value and moral standing – agency and interests do not require sentience but do qualify for value and standing.

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